

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)
) CR-18-00258-EJD
 PLAINTIFF,)
) SAN JOSE, CALIFORNIA
 VS.)
) MARCH 9, 2022
 RAMESH SUNNY BALWANI,)
) VOLUME 1
 DEFENDANT.)
) PAGES 1 - 257

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE EDWARD J. DAVILA
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S:

FOR THE PLAINTIFF: UNITED STATES ATTORNEY'S OFFICE
BY: JOHN C. BOSTIC
JEFFREY B. SCHENK
150 ALMADEN BOULEVARD, SUITE 900
SAN JOSE, CALIFORNIA 95113

BY: ROBERT S. LEACH
KELLY VOLKAR
1301 CLAY STREET, SUITE 340S
OAKLAND, CALIFORNIA 94612

(APPEARANCES CONTINUED ON THE NEXT PAGE.)

OFFICIAL COURT REPORTER:
IRENE L. RODRIGUEZ, CSR, RMR, CRR
CERTIFICATE NUMBER 8074

PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY
TRANSCRIPT PRODUCED WITH COMPUTER

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A P P E A R A N C E S: (CONT'D)

FOR DEFENDANT BALWANI: ORRICK, HERRINGTON & SUTCLIFFE LLP
BY: SHAWN ESTRADA
SACHI SCHURICHT
THE ORRICK BUILDING
405 HOWARD STREET
SAN FRANCISCO, CALIFORNIA 94105

BY: JEFFREY COOPERSMITH
AMANDA MCDOWELL
701 FIFTH AVENUE, SUITE 5600
SEATTLE, WASHINGTON 98104

BY: STEPHEN CAZARES
77 SOUTH FIGUEROA STREET, SUITE 3200
LOS ANGELES, CALIFORNIA 90017

BY: AMY WALSH
51 W 52ND STREET
NEW YORK, NEW YORK 10019

ALSO PRESENT:

OFFICE OF THE U.S. ATTORNEY
BY: MADDI WACHS, PARALEGAL
SARA SLATTERY, PARALEGAL

UNITED STATES POSTAL INSPECTION SERVICE
BY: CHRISTOPHER MCCOLLOW

FEDERAL BUREAU OF INVESTIGATION
BY: MARIO C. SCUSSEL

UNITED STATES FOOD & DRUG
ADMINISTRATION
BY: GEORGE SCAVDIS

JURY CONSULTANT
BY: DAVID PERROTT

1 SAN JOSE, CALIFORNIA

MARCH 9, 2022

2 P R O C E E D I N G S

08:58AM 3 (COURT CONVENED AT 8:58 A.M.)

08:58AM 4 THE COURT: LET'S GO ON THE RECORD IN 18-258,
08:58AM 5 UNITED STATES VERSUS RAMESH SUNNY BALWANI.

08:58AM 6 LET ME GET THE APPEARANCE OF THE PARTIES, PLEASE, FOR THE
08:58AM 7 RECORD.

08:58AM 8 MR. SCHENK: GOOD MORNING, YOUR HONOR.

08:58AM 9 JEFF SCHENK ON BEHALF OF THE UNITED STATES.

08:58AM 10 WITH ME AT COUNSEL TABLE ARE ROBERT LEACH, JOHN BOSTIC,
08:58AM 11 AND SPECIAL AGENT CHRISTOPHER MCCOLLOM FROM THE UNITED STATES
08:58AM 12 POSTAL INSPECTION SERVICE.

08:58AM 13 THE COURT: THANK YOU. GOOD MORNING.

08:58AM 14 MR. COOPERSMITH: GOOD MORNING, YOUR HONOR.

08:59AM 15 JEFF COOPERSMITH FOR MR. BALWANI WHO IS PRESENT TODAY.

08:59AM 16 I ALSO HAVE MY COLLEAGUES AMY WALSH; STEVE CAZARES;
08:59AM 17 DAVID PERROTT; WHO WILL BE HELPING US WITH JURY SELECTION; AND
08:59AM 18 SHAWN ESTRADA WHO IS SITTING IN THE BACK THERE.

08:59AM 19 THE COURT: THANK YOU. WE ARE OUTSIDE THE PRESENCE
08:59AM 20 OF OUR PROSPECTIVE JURY PANEL. THEY ARE STILL DOWNSTAIRS, AND
08:59AM 21 WE'LL BRING THEM UP IN A MOMENT.

08:59AM 22 I UNDERSTAND THERE ARE SOME HOUSEKEEPING ISSUES YOU WANTED
08:59AM 23 TO DISCUSS?

08:59AM 24 MR. COOPERSMITH: YES, YOUR HONOR.

08:59AM 25 THE FIRST I WANTED TO MENTION YESTERDAY IS THAT WE HAD

08:59AM 1 BEEN TALKING ABOUT POTENTIAL STRIKES FOR CAUSE BASED ON THE
08:59AM 2 QUESTIONNAIRES, AND THERE WERE A NUMBER OF JURORS THAT WE DID
08:59AM 3 HAVE THE SAME ISSUES WITH, BUT WE -- I DIDN'T BRING THEM UP
08:59AM 4 YESTERDAY JUST IN THE INTEREST OF TIME.

08:59AM 5 SO I JUST WANTED TO READ THE NUMBERS INTO THE RECORD TO
08:59AM 6 MAKE IT CLEAR THAT WE ALSO BELIEVE THAT THESE JURORS I'M ABOUT
08:59AM 7 TO LIST BY NUMBER ARE ALSO JURORS WHO SHOULD BE STRICKEN BASED
08:59AM 8 ON THEIR QUESTIONNAIRE RESPONSES ALONE.

08:59AM 9 THE COURT: ARE THESE IN ADDITION TO THE JURORS THAT
09:00AM 10 WE TALKED ABOUT YESTERDAY?

09:00AM 11 MR. COOPERSMITH: YES, YOUR HONOR, IN ADDITION.

09:00AM 12 I WON'T REPEAT THE NUMBERS THAT WE ALREADY DISCUSSED AND
09:00AM 13 THE COURT RULED ONE WAY OR THE OTHER.

09:00AM 14 THE COURT: ALL RIGHT. YOU JUST WANT TO PUT ON THE
09:00AM 15 RECORD AFTER YOUR CONTINUED REVIEW OF THE QUESTIONNAIRES YOU
09:00AM 16 BELIEVE CAUSE EXISTS TO STRIKE THESE POTENTIAL JURORS,
09:00AM 17 PROSPECTIVE JURORS THAT YOU'RE GOING TO SING OUT BY NUMBERS?

09:00AM 18 MR. COOPERSMITH: YES, YOUR HONOR. AND ALL OF THE
09:00AM 19 STRIKES WOULD BE FOR CAUSE OR FOR BIAS.

09:00AM 20 THE COURT: OKAY.

09:00AM 21 MR. SCHENK, DO YOU WISH TO BE HEARD ON THIS?

09:00AM 22 MR. SCHENK: NO OBJECTION.

09:00AM 23 MR. COOPERSMITH: OKAY. SO HERE ARE THE NUMBERS,
09:00AM 24 YOUR HONOR, AND AGAIN, THE FOLLOWING NUMBERS OF THESE JURORS WE
09:00AM 25 BELIEVE SHOULD BE REMOVED FOR CAUSE BASED ON THEIR

09:00AM 1 QUESTIONNAIRE ANSWERS, AND THE NUMBERS ARE:

09:00AM 2 JUROR 1; 34 --

09:00AM 3 THE COURT: I'M SORRY, IS IT 1 AND 34 OR 134?

09:00AM 4 MR. COOPERSMITH: I'M SORRY. I'LL START AGAIN.

09:00AM 5 THE COURT: YES. FAIR ENOUGH.

09:00AM 6 MR. COOPERSMITH: JUROR NUMBER 1; JUROR NUMBER 34;

09:01AM 7 NUMBER 47; NUMBER 49; NUMBER 50; NUMBER 111; NUMBER 119; NUMBER

09:01AM 8 135; NUMBER 143; NUMBER 171; NUMBER 174; NUMBER 181; NUMBER

09:01AM 9 184; AND NUMBER 190.

09:01AM 10 THANK YOU, YOUR HONOR.

09:01AM 11 THE COURT: DO YOU WANT TO DOUBLE CHECK TO MAKE SURE

09:01AM 12 YOU HAVE NOT MISSED ANYTHING? IS THAT YOUR LIST?

09:01AM 13 MR. COOPERSMITH: THAT'S THE LIST OF ADDITIONAL

09:01AM 14 JURORS THAT WE THINK SHOULD BE REMOVED FOR CAUSE. THANK YOU.

09:01AM 15 THE COURT: ALL RIGHT. THANK YOU.

09:01AM 16 MR. SCHENK, ANY COMMENT?

09:01AM 17 MR. SCHENK: YOUR HONOR, THE GOVERNMENT OPPOSES

09:01AM 18 REMOVAL OF THESE JURORS FOR CAUSE. I BELIEVE THAT THESE MATCH

09:01AM 19 NUMBERS ON AN EXCEL SPREADSHEET THAT THE DEFENSE PROVIDED TO

09:01AM 20 THE GOVERNMENT TWO MORNINGS AGO.

09:01AM 21 WE UNDERSTOOD THAT THE FOR CAUSE CHALLENGES THAT THE

09:02AM 22 DEFENSE PRESENTED IN COURT YESTERDAY WERE THE ONES THAT THE

09:02AM 23 DEFENSE BELIEVED HAD A MORE SIGNIFICANT BASIS FOR CAUSE.

09:02AM 24 SO I THINK, IF ANYTHING, THERE'S LESS OF A BASIS TO

09:02AM 25 BELIEVE THAT THESE INDIVIDUALS SHOULD BE STRUCK FOR CAUSE, BUT

09:02AM 1 TO BE CLEAR, THE DEFENSE HASN'T LOST THE OPPORTUNITY TO
09:02AM 2 CHALLENGE THE SEATING OF ANY OF THESE JURORS.

09:02AM 3 WE WILL NOW HEAR FROM THESE JURORS OVER THE NEXT TWO DAYS,
09:02AM 4 AND WE CAN FAIRLY EVALUATE WHETHER THEY'RE APPROPRIATE JURORS
09:02AM 5 TO BE SEATED.

09:02AM 6 I DON'T THINK WE NEED TO TAKE THEM UP INDIVIDUALLY THIS
09:02AM 7 MORNING.

09:02AM 8 THE COURT: WAS THAT YOUR INTENT TO BRING THEM UP
09:02AM 9 AND TALK ABOUT EACH OF THEM THIS MORNING AS OPPOSED TO
09:02AM 10 QUESTIONING THESE PROSPECTIVE JURORS AND THEN SEEING WHETHER OR
09:02AM 11 NOT YOU STILL FEEL A CAUSE STRIKE IS APPROPRIATE?

09:02AM 12 MR. COOPERSMITH: EXACTLY RIGHT, YOUR HONOR.

09:02AM 13 THE RATIONALE WAS BASED ON YOUR HONOR'S COMMENTS YESTERDAY
09:02AM 14 WHEN WE WERE GOING THROUGH OTHER JURORS, I DIDN'T FEEL LIKE
09:02AM 15 THERE WOULD BE A REMOVAL FOR CAUSE BASED ON YOUR HONOR'S
09:03AM 16 COMMENTS.

09:03AM 17 SO EVEN THOUGH I THINK THERE IS AN ISSUE FOR CAUSE, I
09:03AM 18 WANTED TO MAKE THE RECORD BUT WE WILL HAVE TO GO THROUGH THE
09:03AM 19 VOIR DIRE PROCESS, AND WE MAY OR MAY NOT HAVE ADDITIONAL
09:03AM 20 COMMENTS ABOUT THESE JURORS.

09:03AM 21 THE COURT: ALL RIGHT. THANK YOU FOR IDENTIFYING
09:03AM 22 THESE.

09:03AM 23 ANY OTHER HOUSEKEEPING ISSUE?

09:03AM 24 MR. COOPERSMITH: ANOTHER THING FROM MY PERSPECTIVE,
09:03AM 25 YOUR HONOR.

09:03AM 1 SO I JUST WANTED TO MAKE SURE THAT I'M FULLY ON THE SAME
09:03AM 2 PAGE AS THE PROTOCOL THAT WE MIGHT ENGAGE WITH THE COURT'S
09:03AM 3 PERMISSION IF THERE'S A NEED TO HAVE AN INDIVIDUALIZED VOIR
09:03AM 4 DIRE.

09:03AM 5 SO OBVIOUSLY I HAVE TO BE VERY CAREFUL IN ASKING QUESTIONS
09:03AM 6 OF JURORS TO MAKE SURE THAT THEY DON'T, YOU KNOW, POLLUTE OR
09:03AM 7 TAIN'T THE WHOLE POOL. AND I KNOW THAT WE'RE ALL COGNIZANT OF
09:03AM 8 THAT.

09:03AM 9 IF THERE'S A NEED TO DO INDIVIDUAL VOIR DIRE, I JUST
09:03AM 10 WANTED TO ASK WHAT YOUR HONOR'S PREFERENCE WAS, TO HAVE THAT
09:03AM 11 DONE RIGHT AT THE TIME? TO DO ALL OF THAT LATER, IF NECESSARY?
09:03AM 12 AT SOME OTHER POINT? I JUST WANTED TO ASK ABOUT WHAT
09:03AM 13 YOUR HONOR THOUGHT THE RIGHT PROCEDURE WOULD BE.

09:04AM 14 THE COURT: YOU KNOW, I THINK IT'S RATHER FLUID.
09:04AM 15 THE -- I SUPPOSE THE ANSWER IS THAT IT DEPENDS. AND LET'S SEE
09:04AM 16 WHERE AND WHAT THAT TOPIC IS.

09:04AM 17 I CAN TELL YOU THAT DID COME UP IN THE OTHER CASE, AND
09:04AM 18 THERE WERE OCCASIONS WHERE YOU MAY HAVE SAW OR OBSERVED THAT
09:04AM 19 WHERE I INDICATED TO A PARTY -- EXCUSE ME, A PROSPECTIVE JUROR,
09:04AM 20 WE WOULD TALK ABOUT THAT ISSUE A LITTLE BIT LATER, BUT I DIDN'T
09:04AM 21 WANT TO DISRUPT THINGS. WE KEPT THAT JUROR AND THEN HAD A
09:04AM 22 PRIVATE SESSION WITH THAT PERSON, DEPENDING ON HOW CLOSE IT WAS
09:04AM 23 TO A BREAK, FOR EXAMPLE. I RECALL THAT WE DID THAT FOR A
09:04AM 24 COUPLE OF PEOPLE.

09:04AM 25 SO IT REALLY DEPENDS ON THE TIMING, THE NATURE OF THE

09:04AM 1 QUESTIONING. IT COULD BE THAT WE WOULD STOP AND GO IN THE BACK
09:04AM 2 AND TALK TO SOMEONE, BUT THAT HAS AN EFFECT ON THE PANEL AS
09:04AM 3 WELL, DOESN'T IT, JUST TAKING SOMEONE OUT? THAT COULD SEND A
09:05AM 4 MESSAGE TO THE PANEL AS WELL. SO I'M COGNIZANT OF THAT, WE ALL
09:05AM 5 ARE, DOING THIS MORNING WHAT WE NEED TO DO BUT ALSO BEARING IN
09:05AM 6 MIND THAT WE DO NOT WANT TO NEGATIVELY IMPACT THE BALANCE OF
09:05AM 7 THE PANEL IN ANY WAY.

09:05AM 8 SO I DO THINK IT'S FLUID IS THE BEST WAY I CAN DESCRIBE IT
09:05AM 9 FOR YOU. I'M SORRY, I DON'T HAVE AN EXACT PROTOCOL OTHER THAN
09:05AM 10 TO TELL YOU THAT SHOULD THE CONVERSATION START LEANING TOWARD
09:05AM 11 SOMETHING THAT YOU FEEL IS INAPPROPRIATE OR FEEL FREE TO STAND
09:05AM 12 UP, AND BOTH SIDES, FEEL FREE TO STAND UP AND SUGGEST,
09:05AM 13 "YOUR HONOR, PERHAPS CAN WE DISCUSS THIS AT A DIFFERENT TIME,"
09:05AM 14 OR SOMETHING LIKE THAT. GIVE ME A SIGN. I'LL LOOK AT IT, AND
09:05AM 15 I'LL BE ABLE TO TELL FROM YOUR SIGNS WHETHER OR NOT THIS IS A
09:05AM 16 TOPIC THAT I MIGHT WANT TO STOP THE DISCUSSION ON.

09:05AM 17 MR. COOPERSMITH: THANK YOU, YOUR HONOR. I THINK
09:05AM 18 THAT WOULD WORK IN A LOT OF CASES.

09:06AM 19 THERE ARE SOME JURORS, THOUGH, THAT MY INTENT, BASED ON
09:06AM 20 THEIR QUESTIONNAIRE ANSWERS, WOULD BE TO QUESTION THEM ABOUT
09:06AM 21 SOME OF THEIR ANSWERS AND TRY TO DRAW OUT, YOU KNOW, EXACTLY
09:06AM 22 WHAT THEIR VIEWS AND OPINIONS MIGHT BE BASED ON THEIR EXPOSURE
09:06AM 23 TO MEDIA, FOR EXAMPLE, AND OTHER THINGS LIKE THAT.

09:06AM 24 IT WOULD BE DIFFICULT TO EVEN START ASKING THE QUESTIONS
09:06AM 25 TO DRAW OUT WHAT THEY KNOW AND WHAT THEY HEARD AND WHAT THEY

09:06AM 1 BELIEVED BASED ON THAT WITHOUT, YOU KNOW, RISKING -- SORRY --
09:06AM 2 WITHOUT RISKING HAVING THAT OUT THERE FOR THE WHOLE POOL TO
09:06AM 3 HEAR, AND THAT'S THE DIFFICULTY, I THINK, IN THIS CASE.

09:06AM 4 I MEAN, IT'S NOT ALWAYS TRUE IN EVERY CASE. THIS CASE HAS
09:06AM 5 SOME UNUSUAL FEATURES, AND THAT'S REALLY THE QUESTION THAT I'M
09:06AM 6 DRAWING AT.

09:06AM 7 THE COURT: SURE. I UNDERSTAND.

09:06AM 8 WELL, YOU'LL LET ME KNOW IF YOU FEEL THAT YOU CAN'T DO
09:06AM 9 WHAT YOU NEED TO DO.

09:06AM 10 MR. COOPERSMITH: OKAY. THAT'S FAIR ENOUGH,
09:06AM 11 YOUR HONOR.

09:06AM 12 ONE THING, TO GIVE THE COURT A HEADS UP, I KNOW IT MIGHT
09:06AM 13 DEPEND ON A LOT OF THINGS, BUT I DID CREATE A LIST OF THE
09:06AM 14 JURORS THAT WE THINK THAT MIGHT BE NEEDED FOR.

09:07AM 15 OBVIOUSLY, WE CAN'T TELL FOR SURE UNTIL WE SEE WHAT THEY
09:07AM 16 SAY, BUT IF WITH THE COURT'S PERMISSION I CAN HAND IT UP AND
09:07AM 17 GIVE THE GOVERNMENT A COPY AND SO THE COURT HAS A HEADS UP AS
09:07AM 18 TO WHAT WE THINK MIGHT HAPPEN.

09:07AM 19 THE COURT: SURE. THAT'S FINE.

09:07AM 20 MR. COOPERSMITH: (HANDING.)

09:07AM 21 YOUR HONOR, THANK YOU FOR YOUR COMMENT ABOUT NOT JUST
09:07AM 22 BRINGING SOMEONE OUT, PULLING SOMEBODY OUT OF THE POOL AND
09:07AM 23 MAKING A BIG DEAL.

09:07AM 24 I'M SURE IN YOUR HONOR'S EXPERIENCE WITH THIS OBVIOUSLY,
09:07AM 25 INTENDS TO HAVE A SITUATION WHERE MAYBE THE JUROR COMES BACK

09:07AM 1 RIGHT BEFORE A BREAK AND IT'S NOT LIKE THE PERSON IS IN TROUBLE
09:07AM 2 OR SOMETHING LIKE THAT.

09:07AM 3 THE COURT: RIGHT. THAT'S WHAT I WAS SUGGESTING.
09:07AM 4 WE DON'T WANT TO SINGLE SOMEBODY OUT BECAUSE THAT IN EFFECT
09:07AM 5 WILL SEND A MESSAGE TO THE OTHER PROSPECTIVE JURORS THAT THEY
09:07AM 6 BETTER NOT SAY SOMETHING, RIGHT?

09:07AM 7 MR. COOPERSMITH: EXACTLY.

09:07AM 8 THE COURT: AND SO WE DON'T WANT TO DO THAT.

09:07AM 9 THERE WAS AN OCCASION IN A RECENT TRIAL WHERE I DID TELL
09:08AM 10 THAT PERSON, WE'RE TAKING A BREAK BUT WOULD YOU STAY, PLEASE.

09:08AM 11 AND I TOLD THE JUROR, LOOK, YOU'RE NOT IN TROUBLE. THIS
09:08AM 12 IS NOT IN TROUBLE, BUT I JUST NEED TO ASK YOU A COUPLE OF
09:08AM 13 QUESTIONS, AND THE TIMING OF THE BREAK AFFORDS ALL OF US TO
09:08AM 14 TALK PRIVATELY ABOUT IT.

09:08AM 15 SO IT REALLY DEPENDS ON THE MAKEUP, I GUESS. BUT, YOU
09:08AM 16 KNOW, WE'RE ALL EXPERIENCED, AND I THINK WE CAN HANDLE THAT.

09:08AM 17 MR. COOPERSMITH: YES, YOUR HONOR.

09:08AM 18 THE COURT: OKAY. ANYTHING ELSE, MR. COOPERSMITH?

09:08AM 19 MR. COOPERSMITH: NO, YOUR HONOR.

09:08AM 20 MR. SCHENK: NO, YOUR HONOR.

09:08AM 21 THE COURT: I DID WANT TO TALK ABOUT ONE OTHER
09:08AM 22 MATTER THAT WE TOUCHED ON YESTERDAY AND PERHAPS AT SOME OTHER
09:08AM 23 TIMES, AND THAT IS THE FACT THAT MS. HOLMES IS NOT IN THIS
09:08AM 24 TRIAL AND HOW, AND WE'VE TALKED YESTERDAY SHOULD THAT COME UP
09:08AM 25 IN FRONT OF THE JURY, HOW SHOULD THAT BE RAISED.

09:08AM 1 AND I -- IN THE PRELIMINARY INSTRUCTIONS, ONCE WE SEAT A
09:08AM 2 JURY, I DO INTEND TO READ 2.15, WHICH IS OUR MODEL INSTRUCTION,
09:09AM 3 WITH MODIFICATION, OF COURSE, INCLUDING MS. HOLMES'S NAME,
09:09AM 4 INSERTING MS. HOLMES'S NAME.

09:09AM 5 I DID THIS IN THE HOLMES TRIAL, AND I INSERTED
09:09AM 6 MR. BALWANI'S NAME, AND MY INTENT IN THE PRELIMINARY
09:09AM 7 INSTRUCTIONS IS TO INSERT MR. BALWANI'S -- OR EXCUSE ME,
09:09AM 8 MS. HOLMES'S NAME IN THAT.

09:09AM 9 SHOULD THAT -- SHOULD THE ISSUE COME UP THIS MORNING OR
09:09AM 10 TOMORROW MORNING REGARDING, "WELL, I'VE HEARD ABOUT THE OTHER
09:09AM 11 CASE," OR SOMETHING LIKE THAT, MY THOUGHT WAS PERHAPS TODAY, OR
09:09AM 12 IF THAT COMES UP I COULD READ THE 2.15 TO THE JURORS TO GIVE
09:09AM 13 THEM INFORMATION ABOUT THAT, AND I JUST WANTED TO ALLOW YOU AN
09:09AM 14 OPPORTUNITY TO EXPRESS YOUR THOUGHTS ON THAT.

09:09AM 15 MR. SCHENK: THE GOVERNMENT WOULD SUPPORT THAT. I
09:09AM 16 THINK IT'S APPROPRIATE TO READ 2.15 EARLY IF THE ISSUE ARISES.

09:09AM 17 MR. COOPERSMITH: AND, YOUR HONOR, IF YOU WOULD JUST
09:09AM 18 GIVE ME THE GIST OF 2.15 BECAUSE I DON'T HAVE THOSE NUMBERS OFF
09:09AM 19 THE TOP OF MY HEAD AS YOU DO, APPARENTLY.

09:10AM 20 THE COURT: WELL, OF COURSE I DIDN'T BRING IT OUT
09:10AM 21 WITH ME, DID I?

09:10AM 22 BUT IN ESSENCE WHAT IT SAYS IS THAT THE CODEFENDANT, OR I
09:10AM 23 DON'T THINK IT SAID CODEFENDANT, BUT THE OTHER INDIVIDUAL,
09:10AM 24 MS. HOLMES, IS NOT ON TRIAL BEFORE YOU AND YOU ARE NOT -- THE
09:10AM 25 REASON WHY SHE'S NOT HERE IS NOT SOMETHING THAT YOU SHOULD

09:10AM 1 CONSIDER AT ALL, THAT TYPE OF LANGUAGE.

09:10AM 2 YOU ARE TO DECIDE THIS CASE SOLELY ON THE EVIDENCE, IF
09:10AM 3 ANY, THAT PRESENTS AS TO MR. BALWANI, AND YOU ARE NOT TO
09:10AM 4 CONSIDER THE FACT THAT SHE IS NOT HERE AT ALL.

09:10AM 5 LET'S SEE IF I -- OH, I DON'T THINK --

09:10AM 6 MR. COOPERSMITH: YOUR HONOR, I DO REMEMBER THE
09:10AM 7 INSTRUCTION, AND WE SUPPORT THAT AS WELL.

09:10AM 8 THE COURT: RIGHT.

09:10AM 9 MR. COOPERSMITH: THAT MAKES SENSE.

09:10AM 10 THE COURT: I'LL READ THAT SHOULD IT BECOME
09:10AM 11 NECESSARY, OR, AGAIN, IF COUNSEL FEEL LIKE -- YOU FEEL THAT THE
09:10AM 12 APPROPRIATE TIME HAS COME TO INSTRUCT, JUST LET ME KNOW
09:10AM 13 SOMEHOW, AND I'LL BE HAPPY TO DO IT.

09:11AM 14 BUT I INTEND TO DO THAT. SHOULD THAT BECOME AN ISSUE
09:11AM 15 DURING VOIR DIRE, I'LL INSTRUCT ON 2.15.

09:11AM 16 I WILL INSTRUCT IN MY PRELIMINARY INSTRUCTIONS ONCE THE
09:11AM 17 JURY IS SEATED WITH THAT AS WELL.

09:11AM 18 MR. COOPERSMITH: YOUR HONOR, I THINK WE CAN PREDICT
09:11AM 19 THAT THAT WILL HAPPEN, SO THANK YOU.

09:11AM 20 THE COURT: GREAT. WE WILL SOON GET CONFIRMATION
09:11AM 21 THAT -- I THINK YOU HAVE THE LIST, YOU'VE BEEN PROVIDED THE
09:11AM 22 MOST UPDATED LIST.

09:11AM 23 WE'LL RECEIVE CONFIRMATION AS TO WHETHER THIS LIST IS
09:11AM 24 ACCURATE.

09:11AM 25 I THINK YOU'VE BEEN PROVIDED THE CHARTS SO YOU CAN START

09:11AM 1 FILLING IN THE NAMES I SUPPOSE. ONCE WE GET CONFIRMATION,
09:11AM 2 WE'LL SEAT THEM.

09:11AM 3 JUROR NUMBER 1 WILL BE SEATED IN SEAT A AS YOU SEE IT
09:11AM 4 MARKED THERE.

09:11AM 5 THE NEXT WILL BE, ACCORDING TO MY CHART, AND THAT PERSON
09:12AM 6 WILL BE B AND SO FORTH, IF THAT MAKES SENSE.

09:12AM 7 MR. SCHENK: YES.

09:12AM 8 MR. COOPERSMITH: YES, YOUR HONOR.

09:12AM 9 THE COURT: OKAY. ALL RIGHT. ANYTHING ELSE?

09:12AM 10 MR. COOPERSMITH: NOT FROM THE DEFENSE.

09:12AM 11 MR. SCHENK: NO.

09:12AM 12 THE COURT: OKAY. WE'LL SEE YOU IN A MINUTE.

09:12AM 13 OH, I'M SORRY. I APOLOGIZE.

09:12AM 14 DO WE NEED TO -- I KNOW THERE WERE SOME OTHER JURORS THAT
09:12AM 15 WERE ADDED, PROSPECTIVE JURORS THAT WERE ADDED TO THE LIST, TO
09:12AM 16 YOUR STIPULATION YESTERDAY, AND I DID NOT -- I RECEIVED THAT
09:12AM 17 LATER IN THE EVENING. I DON'T KNOW IF I -- IF WE NEED TO PUT
09:12AM 18 THAT ON THE RECORD. RIGHT, RIGHT. AND I CAN READ THOSE
09:12AM 19 NUMBERS.

09:12AM 20 MR. SCHENK: YES. THANK YOU, YOUR HONOR.

09:12AM 21 THE COURT: 7, 13, 29, 75, 81, 106, 130, 139, 171,
09:13AM 22 213, 218, 229, AND 232.

09:13AM 23 THOSE JURORS WERE ALSO EXCUSED PURSUANT TO YOUR
09:13AM 24 STIPULATION YESTERDAY. THEY WERE ADDITIONAL ADD-ONS, IF YOU
09:13AM 25 WILL, TO YOUR STIPULATION.

09:13AM 1 DO YOU AGREE WITH THAT, MR. COOPERSMITH?

09:13AM 2 MR. COOPERSMITH: YES, YOUR HONOR.

09:13AM 3 IF I COULD JUST CHECK WITH MY TEAM ON THE NUMBERS?

09:13AM 4 THE COURT: SURE.

09:13AM 5 (DISCUSSION AMONGST DEFENSE COUNSEL OFF THE RECORD.)

09:13AM 6 MR. COOPERSMITH: YES, YOUR HONOR, THAT'S

09:13AM 7 ACCEPTABLE. THANK YOU.

09:13AM 8 MR. SCHENK: YES, YOUR HONOR.

09:13AM 9 THE COURT: ALL RIGHT. WE'LL SEE YOU IN A FEW

09:13AM 10 MINUTES. THANK YOU.

09:14AM 11 (RECESS FROM 9:14 A.M. UNTIL 9:47 A.M.)

09:33AM 12 (PROSPECTIVE JURY PANEL IN AT 9:47 A.M.)

09:47AM 13 THE COURT: THANK YOU FOR YOUR COURTESY.

09:47AM 14 COUNSEL, YOU COULD REMAIN SEATED.

09:47AM 15 I'M GOING TO ASK OUR COURTROOM DEPUTY TO GIVE YOU THE

09:47AM 16 OATH.

09:47AM 17 (PROSPECTIVE JURORS WERE GIVEN THE OATH.)

09:47AM 18 PROSPECTIVE JURORS: YES.

09:47AM 19 THE COURT: THANK YOU VERY MUCH, LADIES AND

09:47AM 20 GENTLEMEN. PLEASE BE SEATED.

09:48AM 21 GOOD MORNING ALL OF YOU. THANK YOU FOR YOUR PATIENCE.

09:48AM 22 LADIES AND GENTLEMEN, YOU'VE BEEN SUMMONED BY THIS COURT

09:48AM 23 FOR JURY SERVICE IN A CRIMINAL CASE ENTITLED UNITED STATES

09:48AM 24 VERSUS RAMESH "SUNNY" BALWANI.

09:48AM 25 IN THIS CASE RAMESH "SUNNY" BALWANI IS CHARGED WITH WIRE

09:48AM 1 FRAUD AND CONSPIRACY TO COMMIT WIRE FRAUD.

09:48AM 2 THE INDICTMENT ALLEGES THAT MR. BALWANI WAS THE PRESIDENT
09:48AM 3 AND CHIEF OPERATING OFFICER OF THERANOS, INCORPORATED, WHICH
09:48AM 4 WAS IN THE BLOOD TESTING BUSINESS.

09:48AM 5 THE INDICTMENT ALLEGES THAT THE DEFENDANT AND
09:48AM 6 ELIZABETH HOLMES, THERANOS'S CHIEF EXECUTIVE OFFICER, CEO,
09:48AM 7 KNOWINGLY AND INTENTIONALLY DEvised A SCHEME OR PLAN TO DEFRAUD
09:49AM 8 INVESTORS IN THERANOS AND PAYING CUSTOMERS OF THERANOS.

09:49AM 9 THE CHARGES ARE ONLY ALLEGATIONS AND NOT EVIDENCE. THE
09:49AM 10 DEFENDANT HAS ENTERED A PLEA OF NOT GUILTY TO ALL OF THE
09:49AM 11 CHARGES IN THIS CASE AND IS PRESUMED TO BE INNOCENT. IT WILL
09:49AM 12 BE THE GOVERNMENT'S BURDEN THROUGHOUT THE TRIAL TO PROVE THESE
09:49AM 13 CHARGES BEYOND A REASONABLE DOUBT.

09:49AM 14 NOW, THE INDICTMENT ALLEGES, LADIES AND GENTLEMEN, IN
09:49AM 15 COUNTS ONE AND TWO, THAT MR. BALWANI VIOLATED 18 U.S.C. SECTION
09:49AM 16 1349, CONSPIRACY TO COMMIT WIRE FRAUD.

09:49AM 17 THE INDICTMENT ALLEGES IN COUNTS THREE, FOUR, FIVE, SIX,
09:49AM 18 SEVEN, EIGHT, NINE, TEN, ELEVEN, AND TWELVE WITH WIRE FRAUD IN
09:49AM 19 VIOLATION OF 18 UNITED STATES CODE SECTION 1343.

09:50AM 20 THE INDICTMENT IS NOT EVIDENCE OF ANY KIND. IT IS THE
09:50AM 21 CHARGING DOCUMENT THAT IS FILED IN THIS CASE. TO THESE CHARGES
09:50AM 22 MR. BALWANI HAS PLEADED NOT GUILTY, AND THIS IS AN ABSOLUTE
09:50AM 23 DENIAL OF THE CHARGES. IT WILL BE THE PURPOSE OF THIS TRIAL
09:50AM 24 FOR YOU TO DETERMINE IF THE GOVERNMENT HAS MET THEIR BURDEN IN
09:50AM 25 PRESENTING THEIR CASE TO YOU.

09:50AM 1 NOW, JURY SERVICE IS VERY IMPORTANT. I'D LIKE TO AGAIN
09:50AM 2 WELCOME YOU AND THANK YOU FOR YOUR SERVICE.

09:50AM 3 BEFORE WE BEGIN, I AM GOING TO DESCRIBE FOR YOU HOW THE
09:50AM 4 TRIAL WILL BE CONDUCTED, AND TO EXPLAIN WHAT YOU AND THE
09:50AM 5 LAWYERS AND I WILL BE DOING.

09:50AM 6 NOW, WHEN I REFER TO THE "GOVERNMENT" I MEAN,
09:50AM 7 MR. ROBERT LEACH, MS. KELLY VOLKAR, MR. JOHN BOSTIC, AND
09:50AM 8 MR. JEFF SCHENK, WHO ARE THE ASSISTANT UNITED STATES ATTORNEYS
09:51AM 9 PROSECUTING THIS CASE.

09:51AM 10 MR. LEACH, WOULD YOU INTRODUCE YOUR TEAM, PLEASE.

09:51AM 11 MR. LEACH: THANK YOU, YOUR HONOR.

09:51AM 12 GOOD MORNING, LADIES AND GENTLEMEN.

09:51AM 13 MY NAME IS ROBERT LEACH. I'M AN ASSISTANT UNITED STATES
09:51AM 14 ATTORNEY.

09:51AM 15 TO MY LEFT IS JOHN BOSTIC, ANOTHER UNITED STATES ATTORNEY.

09:51AM 16 TO MR. BOSTIC'S LEFT IS JEFF SCHENK, ANOTHER UNITED STATES
09:51AM 17 ATTORNEY.

09:51AM 18 TO MY RIGHT IS CHRISTOPHER MCCOLLOWS, WHO IS A POSTAL
09:51AM 19 INSPECTOR WITH THE U.S. POSTAL INSPECTION SERVICE.

09:51AM 20 AND SEATED ON THIS SIDE OF THE WELL IS MADDI WACHS AND
09:51AM 21 SARA SLATTERY FROM OUR OFFICE.

09:51AM 22 GOOD MORNING AND THANK YOU VERY MUCH FOR BEING HERE.

09:51AM 23 THE COURT: YOU HAVE ANOTHER MEMBER OF YOUR TEAM WHO
09:51AM 24 IS IN THE AUDIENCE?

09:51AM 25 MR. LEACH: I DO. THANK YOU, YOUR HONOR.

09:51AM 1 KELLY VOLKAR, WHO YOUR HONOR MENTIONED, IS SEATED IN THE
09:51AM 2 BACK.

09:51AM 3 AND TO HER LEFT ARE TWO ADDITIONAL AGENTS, MARIO SCUSSEL
09:51AM 4 WITH THE FBI, AND GEORGE SCAVDIS WITH THE FOOD AND DRUG
09:51AM 5 ADMINISTRATION.

09:51AM 6 THANK YOU AGAIN.

09:51AM 7 THE COURT: THANK YOU, MR. LEACH.

09:51AM 8 WHEN I REFER, LADIES AND GENTLEMEN, TO "DEFENSE COUNSEL,"
09:52AM 9 I MEAN MR. JEFF COOPERSMITH, MS. AMY WALSH, AND
09:52AM 10 MR. STEPHEN CAZARES, WHO ARE THE ATTORNEYS REPRESENTING
09:52AM 11 MR. BALWANI.

09:52AM 12 AND, MR. COOPERSMITH, WOULD YOU PLEASE INTRODUCE YOUR
09:52AM 13 TEAM.

09:52AM 14 MR. COOPERSMITH: YES, YOUR HONOR. THANK YOU.

09:52AM 15 I'M JEFF COOPERSMITH. I REPRESENT RAMESH "SUNNY" BALWANI,
09:52AM 16 AND HE'S SEATED TWO SEATS AWAY FROM ME.

09:52AM 17 WITH ME ARE MY COLLEAGUES, AMY WALSH, STEPHEN CAZARES,
09:52AM 18 SHAWN ESTRADA.

09:52AM 19 AND YOU CAN SEE IN THE FIRST ROW ARE AMANDA MCDOWELL AND
09:52AM 20 SACHI SCHURICHT, AND MR. DAVID PERROTT, WHO IS HELPING US WITH
09:52AM 21 JURY SELECTION TODAY.

09:52AM 22 THANK YOU.

09:52AM 23 THE COURT: THANK YOU.

09:52AM 24 THIS CASE IS EXPECTED TO TAKE APPROXIMATELY 13 WEEKS OF
09:52AM 25 EVIDENCE IN COURT. IT COULD BE LONGER. IT MIGHT BE SHORTER,

09:52AM 1 BUT THAT'S THE APPROXIMATE LENGTH OF THE CASE.

09:52AM 2 THIS MORNING WE WILL BEGIN SELECTING JURORS WHO WILL SIT
09:53AM 3 TO HEAR THIS CASE.

09:53AM 4 THIS PROCESS INVOLVES INTERVIEWING SEPARATE PANELS OF
09:53AM 5 POTENTIAL JURORS OVER THE COURSE OF THE DAY.

09:53AM 6 AFTER OUR SESSION THIS MORNING, YOU WILL BE PERMITTED TO
09:53AM 7 LEAVE THE COURTHOUSE, AND YOU WILL BE NOTIFIED BY THE COURT
09:53AM 8 WHETHER AND WHEN YOU SHOULD RETURN TO THE COURTHOUSE.

09:53AM 9 WE WILL THEN RETURN TO COMPLETE THE PROCESS, AND WE WILL
09:53AM 10 THEN BEGIN THE TRIAL.

09:53AM 11 NOW, I BELIEVE YOU HAVE ON YOUR SEATS -- THERE SHOULD BE A
09:53AM 12 SCHEDULE THAT SUGGESTS AT LEAST A -- YES, YOU HAVE IT THERE.
09:53AM 13 THANK YOU.

09:53AM 14 THIS SUGGESTS THE DAYS AND THE PRELIMINARY SCHEDULE THAT
09:53AM 15 THIS TRIAL SHOULD ENCOMPASS.

09:53AM 16 AS YOU SEE, JURY DELIBERATIONS SHOULD BEGIN PERHAPS THE
09:53AM 17 END OF MAY, THE FIRST OR SECOND WEEK OF JUNE, ACCORDING TO THIS
09:53AM 18 SCHEDULE. THIS MAY CHANGE, AND I WILL, OF COURSE, KEEP YOU
09:53AM 19 INFORMED AS TO OUR SCHEDULE.

09:54AM 20 NOW, AS YOU SAW IN THE QUESTIONNAIRE THAT YOU FILLED OUT,
09:54AM 21 OUR PROPOSED DAYS IN COURT AND ON OUR SCHEDULE WOULD BE
09:54AM 22 TUESDAYS, WEDNESDAYS, AND FRIDAYS POTENTIALLY FROM 9:00 A.M. TO
09:54AM 23 3:00 P.M. AND IT MAY BE THAT WE WILL CHANGE THE SCHEDULE AND
09:54AM 24 ADD SOME DAYS AND TIMES. I WILL DISCUSS THIS WITH YOU IN
09:54AM 25 ADVANCE OF ANY CHANGE.

09:54AM 1 I ALSO ANTICIPATE THAT WE'LL TAKE BREAKS, TWO BREAKS
09:54AM 2 PERHAPS OF 30 TO 45 MINUTES THROUGHOUT THE DAY. AND WE MAY
09:54AM 3 TAKE SHORTER BREAKS IF APPROPRIATE.

09:54AM 4 BECAUSE OF THE LENGTH OF OUR TRIAL, THIS SCHEDULE HOPES TO
09:54AM 5 ACCOMPLISH THE TAKING OF EVIDENCE IN THE TRIAL AND AVOID STRESS
09:54AM 6 AND FATIGUE THAT MIGHT ARISE FROM AN ALL-DAY EVERY DAY SCHEDULE
09:54AM 7 THAT IS THE NORM FOR SHORTER TRIALS.

09:54AM 8 NOW, I ALSO REALIZE THAT THERE MAY BE OCCASIONS WHERE
09:55AM 9 SOMEONE NEEDS TO TAKE AN UNSCHEDULED BREAK FOR SOME REASON. IF
09:55AM 10 YOU ARE SEATED AS A JUROR OR PARTY IN THE CASE AND YOU NEED TO
09:55AM 11 TAKE A BREAK FOR ANY REASON, YOU SHOULD PLEASE LET ME KNOW, AND
09:55AM 12 I'LL ACCOMMODATE THAT REQUEST.

09:55AM 13 THE FIRST STEP IN THE TRIAL FOLLOWING THE SELECTION OF THE
09:55AM 14 JURY IS THE GOVERNMENT'S OPENING STATEMENT. THE DEFENSE MAY
09:55AM 15 CHOOSE TO GIVE AN OPENING STATEMENT FOLLOWING THE GOVERNMENT OR
09:55AM 16 AT THE BEGINNING OF THE DEFENSE CASE.

09:55AM 17 THE PURPOSE OF AN OPENING STATEMENT IS TO GIVE YOU, THE
09:55AM 18 JURORS, AN OVERVIEW OF WHAT THE ATTORNEYS EXPECT THE EVIDENCE
09:55AM 19 WILL SHOW.

09:55AM 20 NEXT, THE GOVERNMENT WILL OFFER THEIR EVIDENCE. EVIDENCE
09:55AM 21 USUALLY INCLUDES WITNESS'S TESTIMONY AND EXHIBITS.

09:55AM 22 AFTER THE GOVERNMENT PRESENTS THEIR EVIDENCE, THE DEFENSE
09:55AM 23 MAY ALSO PRESENT EVIDENCE, BUT IS NOT REQUIRED TO DO SO.

09:55AM 24 BECAUSE MR. BALWANI IS PRESUMED INNOCENT, HE DOES NOT HAVE TO
09:56AM 25 PROVE THAT HE IS NOT GUILTY.

09:56AM 1 NOW, YOU ALSO HAVE ON THE BACK OF YOUR LIST A WITNESS
09:56AM 2 LIST, AND THERE ARE MANY WITNESSES ON THAT.

09:56AM 3 LET ME ASK COUNSEL, DO YOU STIPULATE TO THE COURT CALLING
09:56AM 4 THE JURY'S ATTENTION TO THE WITNESS LIST WITHOUT THE NEED TO
09:56AM 5 READ IT IN ITS ENTIRETY? IT IS FILED ON THE DOCKET WITH THE
09:56AM 6 QUESTIONNAIRE.

09:56AM 7 MR. SCHENK: YES, SO STIPULATED.

09:56AM 8 MR. COOPERSMITH: YES, YOUR HONOR. THANK YOU.

09:56AM 9 THE COURT: THANK YOU. BUT I WILL CALL YOUR
09:56AM 10 ATTENTION TO THAT LIST, PLEASE, AND IF YOU WOULD PLEASE LOOK AT
09:56AM 11 THAT LIST AGAIN NOW.

09:56AM 12 I'LL GIVE YOU A COUPLE OF MINUTES TO REVIEW THAT LIST
09:56AM 13 BECAUSE AT SOME POINT I'M GOING TO ASK YOU WHETHER OR NOT YOU
09:56AM 14 HAVE KNOWLEDGE OR KNOW OF ANYONE ON THAT LIST. SO PLEASE REFER
09:56AM 15 TO IT AGAIN FOR JUST A MOMENT.

09:57AM 16 (PAUSE IN PROCEEDINGS.)

09:57AM 17 THE COURT: THANK YOU, LADIES AND GENTLEMEN.

09:57AM 18 I SHOULD NOTE THAT THE PARTIES ARE NOT REQUIRED AND MIGHT
09:57AM 19 NOT WISH TO CALL ALL OF THESE WITNESSES, AND THEY MAY LATER
09:57AM 20 FIND IT NECESSARY TO CALL OTHER WITNESSES.

09:57AM 21 IT MAY OCCUR THAT THE PARTIES STIPULATE TO A WITNESS'S
09:57AM 22 TESTIMONY OR AN EXHIBIT. THIS MEANS THAT THE PARTIES HAVE
09:57AM 23 AGREED THAT THE STATEMENT, TESTIMONY, OR EXHIBIT MAY BE
09:58AM 24 INTRODUCED INTO EVIDENCE.

09:58AM 25 AFTER YOU HAVE HEARD ALL OF THE EVIDENCE AND AFTER THE

ATTORNEYS HAVE GIVEN THEIR FINAL ARGUMENTS, I WILL THEN
INSTRUCT YOU ON THE LAW THAT APPLIES TO THE CASE.

AFTER YOU HAVE HEARD THE ARGUMENTS AND INSTRUCTIONS, YOU
WILL THEN RETIRE TO THE JURY ROOM TO DELIBERATE THE MERITS OF
THE CASE AND TO RETURN WITH YOUR FINDINGS.

NOW, LADIES AND GENTLEMEN, JURY SERVICE IS AN OBLIGATION.
IT MAY BE INCONVENIENT TO YOU, BUT I WOULD HOPE THAT YOU ALSO
VIEW JURY SERVICE AS A PRIVILEGE TO SERVE YOUR COMMUNITY AND TO
PARTICIPATE IN YOUR SYSTEM OF JUSTICE.

NOW, WE ALL KNOW AND WE'RE SENSITIVE TO THE FACT THAT NONE
OF YOU ARE HERE BECAUSE YOU HAVE NOTHING ELSE TO DO WITH YOUR
TIME OR THAT YOU PERHAPS VOLUNTEERED FOR JURY DUTY OUT OF THE
GOODNESS OF YOUR HEART.

I RECOGNIZE THAT JURY SERVICE IS AN IMPOSITION ON EACH OF
YOU. THIS SERVICE TAKES YOU FROM THOSE WHO NEED AND RELY ON
YOU AT YOUR HOMES AND YOUR WORK PLACES.

FOR MANY OF US WORKING IN THE JUSTICE SYSTEM, TRYING TO
IMPROVE THE QUALITY OF JUSTICE WHILE MAINTAINING FAIRNESS
ACROSS THE BOARD IS A CHALLENGE.

IT IS A CHALLENGE TO DELIVER ON THE PROMISE OF A JURY OF
ONE'S PEERS, A TRUE CROSS-SECTION OF OUR COMMUNITY TO EVERYONE
WHO ENTERS OUR COURTS. IT IS A PROMISE THAT WE ENDEAVOR TO
FULFILL AS WE RECOGNIZE WE OURSELVES WOULD RELY ON THAT PROMISE
IF WE WERE EVER TO COME TO THE JUSTICE SYSTEM AS A PARTY.

OUR CONSTITUTION GUARANTEES THE RIGHT TO A JURY TRIAL, AND

09:59AM 1 THAT IS THE BASIS FOR ALL OF OUR OBLIGATIONS, YOURS AS WELL AS
09:59AM 2 MINE TO SERVE AS JURORS.

09:59AM 3 AND I SHOULD TELL YOU I GET SUMMONED TO SERVE AS A JUROR
10:00AM 4 IN A CASE, AND I WAS -- I THINK IT WAS PERHAPS THE YEAR BEFORE
10:00AM 5 LAST WAS THE LAST TIME I WAS SUMMONED.

10:00AM 6 I'VE BEEN SUMMONED SEVERAL TIMES FOR JURY SERVICE, AND,
10:00AM 7 REGRETTABLY, FOR SOME REASON I JUST WAS NEVER SELECTED. I JUST
10:00AM 8 DON'T UNDERSTAND THAT. I HAVEN'T HAD THE OPPORTUNITY TO SERVE,
10:00AM 9 BUT I DO GET SUMMONED, AND I DO SHOW UP JUST AS YOU HAVE DONE.

10:00AM 10 IT IS PERHAPS MORE SIGNIFICANT NOW TO PARTICIPATE IN YOUR
10:00AM 11 SERVICE, SO OUR COMMUNITY, OUR COUNTRY AND THE WORLD COULD
10:00AM 12 OBSERVE THAT EVEN DURING THE CHALLENGE OF A PANDEMIC AND WORLD
10:00AM 13 CONFLICT, OUR COURTS ARE OPEN AND YOUR SYSTEM OF JUSTICE
10:00AM 14 ENDURES.

10:00AM 15 NOW, I'D LIKE TO TAKE A MOMENT TO TALK TO YOU ABOUT -- I
10:00AM 16 MENTIONED THE PANDEMIC. I DO WANT TO TALK TO YOU A LITTLE BIT
10:00AM 17 ABOUT THE COVID SITUATION AND COVID PROTOCOLS THAT WE HAVE
10:01AM 18 ENGAGED IN OUR COURT.

10:01AM 19 WE WILL AT ALL TIMES TRY TO STRIVE TO INSURE YOUR
10:01AM 20 PROTECTION, SAFETY AND GOOD HEALTH.

10:01AM 21 WE WILL ENGAGE DISTANCING AND WEARING FACE MASKS AS YOU
10:01AM 22 ARE ALL WEARING RIGHT NOW.

10:01AM 23 IF YOU ARE VACCINATED, OUR MEDICAL INFORMATION INFORMS
10:01AM 24 THAT FACT SIGNIFICANTLY ENHANCES YOUR SAFETY.

10:01AM 25 PARTIES IN COURT WILL WEAR MASKS. WITNESSES, DEPENDING ON

1 THEIR HEALTH AND VACCINATION STATUS, MAY BE ABLE TO REMOVE
2 THEIR MASK OR WEAR A CLEAR FACE SHIELD WHILE TESTIFYING.

3 COUNSEL WILL BE PERMITTED TO REMOVE THEIR FACE MASKS WHEN
4 THEY'RE AT THE LECTERN EXAMINING.

5 LET ME TELL YOU, LADIES AND GENTLEMEN, I DO HAVE
6 PERMISSION FROM COUNSEL TO INFORM YOU THAT ALL OF THEIR TEAMS
7 HAVE BEEN FULLY VACCINATED, AND I CAN TELL YOU THAT ALL OF MY
8 TEAM, THAT IS, ALL OF MY COURT STAFF HERE HAVE ALSO BEEN FULLY,
9 AND WE ARE FULLY VACCINATED.

10 WE WILL HAVE AIR PURIFIERS AT THE WITNESS STAND. THERE'S
11 ONE THERE NOW. AND WE'LL BE ABLE TO PROVIDE ONE AT EACH
12 COUNSEL TABLE. WE MAY BE ABLE TO PROVIDE ADDITIONAL AIR
13 PURIFIERS, PORTABLE DEVICES, NEAR THE JURY BOX SHOULD THAT BE
14 NECESSARY OR REQUESTED.

15 NOW, I'D LIKE TO TELL YOU A LITTLE BIT ABOUT OUR BUILDING.
16 OUR HVAC SYSTEM IS APPROXIMATELY FOUR, MAYBE FIVE YEARS
17 NEW. WE HAVE UPGRADED OUR SYSTEM TO MERV 14 FILTRATION. THE
18 CURRENT GUIDANCE IS TO INSTALL MERV 13. OUR SYSTEM IS ALSO
19 EFFECTIVE IN PROVIDING PROTECTION AGAINST OTHER POLLUTANTS THAT
20 MIGHT BE IN THE AREA.

21 NOW, I'VE CHECKED WITH OUR GENERAL SERVICES
22 ADMINISTRATION. THEY ARE IN CHARGE OF OUR BUILDINGS, AND THEY
23 INFORMED ME THAT THE AIR CIRCULATES IN THIS COURTROOM AT WHAT
24 IS CALLED A RATE OF ACH 6.3. IT'S CALLED AN AIR CHANGE PER
25 HOUR. WHAT THIS MEANS IS THAT THE AIR IN THIS COURTROOM IS

1 COMPLETELY CIRCULATED APPROXIMATELY EVERY TEN MINUTES. THIS IS
2 A VERY GOOD SYSTEM THAT WE HAVE HERE.

3 WE RUN THIS SYSTEM TWO HOURS PRE AND POST OCCUPANCY. THAT
4 MEANS IT'S RUNNING ABOUT 7:00 A.M., 6:00 A.M. IN THE MORNING
5 BEFORE YOU GET HERE, AND WE DO THAT TO PROVIDE FOR EXTRA
6 VENTILATION AND CLEANING.

7 THE GENERAL ADMINISTRATION SERVICES WHO IS RESPONSIBLE FOR
8 OUR BUILDING HAS ADOPTED THE CLEANING GUIDELINES FROM THE CDC
9 AND CENTERS FOR DISEASE CONTROL AND PREVENTION, AND THIS
10 INCLUDES ROUTINE CLEANING AND DISINFECTION IN HIGH-TOUCH
11 SURFACES IN COMMON AND HIGH TRAFFIC AREAS.

12 WE HAVE FACE MASKS AND SANITIZERS TO PROVIDE YOU AS
13 NEEDED.

14 I ALSO WANT TO ADVISE YOU AND COUNSEL OF ANOTHER JUST
15 RECENT, RECENT ACQUISITION AND THAT IS, WE HAVE, THE COURT HAS
16 BEEN ABLE TO SECURE A LIMITED NUMBER OF COVID TESTS, AND WE
17 WILL HAVE THOSE AVAILABLE FOR YOU, LADIES AND GENTLEMEN, SHOULD
18 THE NEED ARISE OR SHOULD YOU FEEL THAT THERE SHOULD BE BECAUSE
19 OF CIRCUMSTANCES, YOU WOULD LIKE TO HAVE A TEST. WE HAVE THOSE
20 AVAILABLE FOR YOU. SO WE WILL MAKE THOSE AVAILABLE ON AN
21 AS-NEEDED BASIS.

22 NOW, OUR SCHEDULE SEEKS TO KEEP THE TIME IN COURT SPACE
23 SUCH TO AVOID SITTING FOR EXTENDED PERIODS OF TIME. WE'LL TRY
24 TO SPACE THE BREAKS WITH AS MUCH FREQUENCY AS POSSIBLE WHILE
25 INSURING THE EFFICIENT AND ORDERLY TRIAL PROCESS TO OCCUR.

1 THE JURY ROOM FOR YOUR DELIBERATIONS AND FOR COLLECTION
2 PRIOR TO TRIAL WILL BE THE COURTROOM NEXT DOOR JUST ON THE
3 OTHER SIDE OF THIS WALL HERE.

4 WE HAVE A -- WHEN I SAY COURTROOM, I MEAN A COURTROOM LIKE
5 THIS. NOT QUITE AS LARGE AS THIS, BUT YOU WILL HAVE, AS THE
6 JURY, THE ENTIRETY OF THAT COURTROOM TO USE FOR YOUR
7 DELIBERATIONS AND MEETINGS AS SUCH THAT YOU WILL BE ABLE TO
8 SPACE OUT AS YOU WISH IN THAT, IN THAT COURTROOM.

9 THIS WILL ALLOW YOU TO PROVIDE SAFE DISTANCING DURING YOUR
10 MEETING AND DELIBERATIONS.

11 DURING THE COURSE OF THE TRIAL, I SHOULD ALSO TELL YOU
12 THAT WE WILL BE ABLE TO PROVIDE LIGHT BREAKFAST ITEMS AT LEAST
13 ONE A WEEK, IF NOT MORE, AND I THINK WE HAVE A GOOD VENDOR FOR
14 THAT. I UNDERSTAND FRESH FRUIT, PARFAITS, YOGURT, AND OTHER
15 ITEMS WILL BE AVAILABLE FOR YOU PRETRIAL BEFORE WE START IN THE
16 MORNING.

17 IF YOU HAVE ANY QUESTION OR ISSUE REGARDING YOUR SAFETY OR
18 COURT CONDITIONS DURING YOUR TIME HERE, I WOULD ASK YOU TO
19 CONTACT MY COURTROOM DEPUTY, MS. ROBINSON, OR ANY STAFF MEMBER.

20 NOW, LET ME, LET ME ASK A QUESTION ABOUT HARDSHIPS, AND
21 THIS IS A QUESTION REGARDING ANY MEMBER OF THE PANEL, BOTH HERE
22 IN THIS BOX AND ALSO IN THE AUDIENCE AREA, WHO HAS ANY SPECIAL
23 DISABILITY OR PROBLEM THAT WOULD MAKE SERVING AS A MEMBER OF
24 THIS JURY DIFFICULT OR IMPOSSIBLE.

25 LET ME SAY, FIRST OF ALL, THIS INCLUDES WHETHER OR NOT AN

10:06AM 1 INDIVIDUAL MIGHT NEED AN ASSISTED LISTENING DEVICE. SO LET ME
10:06AM 2 START WITH THAT.

10:06AM 3 IS THERE ANYONE HERE IN THIS PANEL THAT WOULD BENEFIT FROM
10:07AM 4 AN ASSISTED LISTENING DEVICE? WE HAVE HEADPHONES THAT WE CAN
10:07AM 5 PROVIDE SOMEONE IF THAT IS NEEDED. ANYONE WHO WOULD BENEFIT
10:07AM 6 FROM RECEIVING THAT HEADSET?

10:07AM 7 I SEE A HAND.

10:07AM 8 LET'S -- MADAM CLERK, IF YOU COULD GET A HEADSET DELIVERED
10:07AM 9 TO THIS GENTLEMAN.

10:08AM 10 (PAUSE IN PROCEEDINGS.)

10:08AM 11 THE COURT: IS THAT WORKING, SIR? CAN YOU HEAR? IS
10:08AM 12 THAT BETTER?

10:08AM 13 OKAY. I SEE A THUMBS UP.

10:08AM 14 IS THAT WORKING, SIR.

10:08AM 15 PROSPECTIVE JUROR: YES.

10:08AM 16 THE COURT: OKAY. GREAT. THANK YOU.

10:08AM 17 LET ME TAKE A MOMENT AND SAY I UNDERSTAND THAT THESE
10:08AM 18 DEVICES ARE QUITE SENSITIVE. AND LET ME ASK YOU -- I THINK
10:08AM 19 I'VE HEARD THAT THESE DEVICES ARE SOMETIMES AFFECTED BY
10:08AM 20 BLUETOOTH OR TELEPHONES.

10:08AM 21 SO THIS IS PROBABLY A GOOD TIME FOR ME TO ASK YOU IF YOU
10:08AM 22 HAVE A TELEPHONE, IF YOU COULD PLEASE TURN IT OFF OR SHUT IT
10:09AM 23 DOWN. IF YOU HAVE SOME TROUBLE DOING THAT, LET ME KNOW AND
10:09AM 24 I'LL SUMMON A UNITED STATES MARSHAL TO ASSIST YOU IN SHUTTING
10:09AM 25 YOUR PHONE DOWN FOR YOU. LET ME ASK YOU TO DO THAT NOW.

10:09AM 1 THERE MAY BE OTHER INDIVIDUALS WHO HAVE OTHER HEALTH
10:09AM 2 ISSUES SUCH AS BACK ISSUES, SEATING ISSUES, THOSE TYPES OF
10:09AM 3 THINGS, THAT MIGHT BENEFIT FROM CUSHIONS OR OTHER PILLOWS OR
10:09AM 4 DEVICES. WE HAVE SOME OF THEM AVAILABLE. THERE MIGHT BE SOME
10:09AM 5 CUSHIONS OUT IN THE AUDIENCE NOW, BUT IF THERE IS ANYONE WHO
10:09AM 6 HAS ANY SPECIAL DISABILITY THAT YOU WOULD LIKE TO CALL TO MY
10:09AM 7 ATTENTION NOW, PLEASE RAISE YOUR HAND SO I CAN SEE YOU.

10:09AM 8 ALL RIGHT. LET ME START IN THE BOX HERE, AND LET'S SEE,
10:09AM 9 JUROR -- LET ME TELL YOU, LADIES AND GENTLEMEN, WHEN I CALL YOU
10:09AM 10 OUT, I'M GOING TO CALL YOU OUT AND ADDRESS YOU BY YOUR JUROR
10:09AM 11 NUMBERS, AND I MEAN NO DISRESPECT IN THAT REGARD. I'M JUST
10:10AM 12 GOING TO REFER, FOR PURPOSES OF THIS MORNING'S DISCUSSION I'M
10:10AM 13 GOING TO REFER TO YOU BY JUROR NUMBERS.

10:10AM 14 I DO HAVE YOUR NAMES, BUT I'LL CALL YOU OUT BY YOUR
10:10AM 15 NUMBERS.

10:10AM 16 IS THIS JUROR 14?

10:10AM 17 PROSPECTIVE JUROR: YES.

10:10AM 18 THE COURT: YES, YES. I THINK WE'LL HAVE A
10:10AM 19 MICROPHONE FOR YOU. JUST GIVE ME A MOMENT.

10:10AM 20 THERE IT IS.

10:10AM 21 YES, JUROR NUMBER 14.

10:10AM 22 PROSPECTIVE JUROR: YES. SO RECENTLY MY PINKY
10:10AM 23 FINGER WAS BROKEN, AND IT'S STILL IN VERY BAD CONDITION. I
10:10AM 24 NEED TO EXERCISE IT THREE OR FOUR TIMES OR EVEN FIVE TIMES A
10:10AM 25 DAY, AND I NEED PT FROM TIME TO TIME.

10:10AM 1 SO I THINK IT WILL INTERFERE WITH THIS SITUATION.

10:11AM 2 THE COURT: I SEE. WHAT TYPE OF EXERCISE DO YOU
10:11AM 3 NEED TO DO?

10:11AM 4 PROSPECTIVE JUROR: A FEW OF THEM. I DON'T HAVE ALL
10:11AM 5 OF THEM YET, BUT I HAVE NEED TO JUST EXERCISE MY HAND LIKE
10:11AM 6 THIS, LIKE THIS, LIKE THIS (INDICATING).

10:11AM 7 THE COURT: YES.

10:11AM 8 PROSPECTIVE JUROR: AND IT'S PAINFUL. AND I REALLY
10:11AM 9 HAVE TO PAY ATTENTION TO THIS. SO IT'S VERY SWOLLEN.

10:11AM 10 THE COURT: I SEE.

10:11AM 11 PROSPECTIVE JUROR: AND I HAVE EXCUSE FROM MY DOCTOR
10:11AM 12 ON TOP OF THIS ACTUALLY. I RECENTLY GOT IT BECAUSE I INFORMED
10:11AM 13 HIM THAT I GOT JURY DUTY SO --

10:11AM 14 THE COURT: I SEE. SO YOU HAVE A LETTER OR
10:11AM 15 SOMETHING?

10:11AM 16 PROSPECTIVE JUROR: YES, I HAVE IT.

10:11AM 17 THE COURT: OKAY. THANK YOU.

10:11AM 18 ALL RIGHT. WELL, THANK YOU FOR LETTING ME KNOW THAT.

10:11AM 19 HOW OFTEN DO YOU DO THE PT?

10:11AM 20 PROSPECTIVE JUROR: I HAVE IT NEXT WEEK GOING TO THE
10:11AM 21 HOSPITAL, NEXT WEEK, BUT I HAVE TO EXERCISE DURING THE DAY
10:11AM 22 THREE TO FIVE TIMES A DAY.

10:11AM 23 THE COURT: THREE TO FIVE TIMES A DAY. OKAY. THANK
10:12AM 24 YOU.

10:12AM 25 PROSPECTIVE JUROR: THANK YOU.

10:12AM 1 THE COURT: THANK YOU FOR LETTING ME KNOW THAT.

10:12AM 2 I THINK THERE WAS ANOTHER JUROR. LET'S SEE, IS THAT

10:12AM 3 JUROR 72?

10:12AM 4 JUROR 50, YES.

10:12AM 5 PROSPECTIVE JUROR: I HAVE CHRONIC BACK PAIN AND IT

10:12AM 6 FLARES UP, AND IT'S REALLY BAD RIGHT NOW. I HAVE A DOCTOR'S

10:12AM 7 NOTE.

10:12AM 8 THE COURT: AND LET ME ASK YOU DOES A PILLOW OR

10:12AM 9 OTHER SUPPORTIVE COMFORTS ASSIST YOU IN THAT REGARD?

10:12AM 10 PROSPECTIVE JUROR: ONLY WHEN IT'S NOT FLARED UP.

10:12AM 11 THE LAST FEW WEEKS IT'S BEEN REALLY BAD. IT'S HARD TO

10:12AM 12 SIT.

10:12AM 13 THE COURT: YES. IF YOU WERE -- LET ME ASK YOU

10:13AM 14 THIS, IF -- WE'VE HAD THIS BEFORE WITH JURORS. THIS IS NOT

10:13AM 15 UNCOMMON TO HAVE BACK PAIN, AND WE HAVE ON OCCASION SEATED

10:13AM 16 JURORS WHO HAVE A BACK ISSUE, AND WE'VE BEEN ABLE TO POSITION

10:13AM 17 THEM IN A SEAT SUCH THAT THEY COULD STAND IF NEEDED DURING THE

10:13AM 18 PROCEEDINGS AND STRETCH AND AFFORD OPPORTUNITIES TO EVEN HAVE A

10:13AM 19 BREAK TO STRETCH THEIR BACK.

10:13AM 20 WOULD THAT BE SOMETHING THAT YOU THINK WOULD BE OF

10:13AM 21 ASSISTANCE TO YOU?

10:13AM 22 PROSPECTIVE JUROR: IT NORMALLY WOULD IF THE

10:13AM 23 FLARE-UP WASN'T SO BAD RIGHT NOW, BUT THE PAIN IS CONSTANT.

10:13AM 24 EVEN WITH PAINKILLERS IT'S INCREDIBLY DISTRACTING.

10:13AM 25 THE COURT: YES. AND HOW LONG HAS THIS BEEN -- ARE

10:13AM 1 YOU BEING TREATED FOR THIS NOW?

10:13AM 2 PROSPECTIVE JUROR: YEAH, I NEED TO GET X-RAYS, MRI,
10:13AM 3 PT.

10:13AM 4 THE COURT: AND YOU SAID THAT YOU HAVE A DOCTOR'S
10:13AM 5 NOTE?

10:13AM 6 PROSPECTIVE JUROR: I DO.

10:13AM 7 THE COURT: AND DID YOU SHOW THAT TO THE CLERK
10:13AM 8 DOWNSTAIRS?

10:13AM 9 PROSPECTIVE JUROR: I SHOWED IT TO HER WHEN I CAME
10:14AM 10 THE LAST TIME.

10:14AM 11 THE COURT: ALL RIGHT. OKAY. THANK YOU.

10:14AM 12 THERE WAS ANOTHER HAND, I BELIEVE. YES.

10:14AM 13 IS THAT JUROR 61?

10:14AM 14 PROSPECTIVE JUROR: 60.

10:14AM 15 THE COURT: 60. YES.

10:14AM 16 PROSPECTIVE JUROR: I HAD SHOULDER SURGERY SOME TIME
10:14AM 17 AGO, AND CURRENTLY I'M POST OPERATIONAL RECOVERY, AND RECOVERY
10:14AM 18 GOES VERY SLOW. SO I HAVE A NOTE FROM THE DOCTOR.

10:14AM 19 THE COURT: I'M SORRY, WAS THIS A SHOULDER SURGERY
10:14AM 20 DID YOU SAY? SOME OTHER SURGERY?

10:14AM 21 PROSPECTIVE JUROR: THIS IS SOMETHING PRIVATE.

10:14AM 22 THE COURT: YES. ALL RIGHT. GIVE ME JUST A MOMENT,
10:14AM 23 SIR.

10:15AM 24 (PAUSE IN PROCEEDINGS.)

10:15AM 25 THE COURT: ALL RIGHT. THANK YOU, SIR.

1 ANYONE ELSE?

2 I SEE NO HANDS. THANK YOU.

3 WE NOW COME TO THAT PORTION OF THE TRIAL WHERE I WILL ASK
4 YOU SOME QUESTIONS REGARDING YOUR QUALIFICATIONS TO SIT AS
5 JURORS IN THIS CASE.

6 COUNSEL WILL HAVE THE OPPORTUNITY TO ASK YOU SOME
7 QUESTIONS AS WELL.

8 THIS PROCESS IS VERY IMPORTANT BECAUSE THE PARTIES AND THE
9 COURT WANT FAIR AND IMPARTIAL JURORS, JURORS WHO ARE FREE OF
10 ANY PRECONCEIVED IDEA, BELIEF, ATTITUDE, OR BIAS OR PREJUDICE
11 ABOUT THE OFFENSES CHARGED OR THE ACCUSED, AND JURORS WHO WILL
12 DECIDE THIS CASE ONLY AFTER HEARING ALL OF THE EVIDENCE, THE
13 ARGUMENTS OF COUNSEL, THE LAW AS GIVEN TO YOU BY THE COURT AND
14 THEN ONLY AFTER DELIBERATING WITH YOUR FELLOW JURORS.

15 BY THE OATH THAT YOU HAVE JUST TAKEN, YOU ARE OBLIGATED TO
16 ANSWER ALL OF THESE QUESTIONS TRUTHFULLY AND COMPLETELY. YOU
17 WILL HELP THE PROCESS BY VOLUNTEERING INFORMATION ABOUT YOUR
18 EXPERIENCES, FEELINGS, OR BIASES, IF ANY, EVEN THOUGH YOU
19 BELIEVE THAT YOU CAN PUT ASIDE THOSE EXPERIENCES, FEELINGS, OR
20 BIASES AND SERVE AS A FAIR AND IMPARTIAL JUROR.

21 IF YOU ARE SENSITIVE ABOUT ANSWERING ANY QUESTION, PLEASE
22 TELL ME, AND WE CAN DISCUSS THAT MATTER PRIVATELY WITH COUNSEL.

23 THIS PROCESS SEEKS TO IDENTIFY ANY ISSUE INCLUDING THOSE
24 THAT MIGHT BE CONTROVERSIAL THAT RAISE AN ISSUE OF BIAS OR
25 INABILITY TO BE FAIR AND IMPARTIAL.

10:17AM 1 NOW, IF ANY JUROR FEELS LIKE AN ISSUE HAS ARISEN AND THEY
10:17AM 2 WOULD LIKE TO OR THINK IT MIGHT BE BETTER TO SPEAK IN PRIVATE
10:17AM 3 WITH THE COURT AND COUNSEL, PLEASE LET ME KNOW AND WE CAN DO
10:17AM 4 THAT.

10:17AM 5 WE WILL SET UP AN ARRANGEMENT WHERE WE CAN TALK PRIVATELY
10:17AM 6 IN A ROOM WITH OUR COURT REPORTER AND COUNSEL, AND WE WILL HAVE
10:17AM 7 THE OPPORTUNITY TO DISCUSS ANY ISSUE THAT YOU FEEL APPROPRIATE
10:18AM 8 TO DISCUSS IN PRIVATE.

10:18AM 9 PLEASE LET ME KNOW IF YOU WISH TO DO SO, AND DON'T BE SHY
10:18AM 10 ABOUT ASKING THAT IF YOU FEEL IT IS APPROPRIATE.

10:18AM 11 NOW, LADIES AND GENTLEMEN, IT IS APPROPRIATE -- EXCUSE ME.
10:18AM 12 IT'S IMPORTANT THAT YOU EXPRESS THESE ISSUES WITH THE PARTIES.

10:18AM 13 AS I SAID, WE CAN MEET PRIVATELY, BUT WE WANT THE JUROR
10:18AM 14 TO BE FRANK AND OPEN AND WE WANT YOU TO SPEAK, BUT WE ALSO WANT
10:18AM 15 TO BE -- TAKE CARE TO NOT ALLOW ANYTHING SAID TO NEGATIVELY
10:18AM 16 AFFECT OR INFLUENCE ANY OTHER JUROR.

10:18AM 17 NOW, THIS IS IMPORTANT. WHILE WE WANT TO HEAR YOUR CANDID
10:18AM 18 THOUGHTS ON TOPICS, IT IS IMPORTANT THAT EXPRESSIONS, WHILE
10:18AM 19 HEARTFELT, DO NOT TAINT OR NEGATIVELY IMPACT THE OPINIONS OR
10:18AM 20 FAIRNESS OF THE OTHER MEMBERS OF THE PANEL.

10:18AM 21 IN SELECTING A JURY, EACH SIDE IS PERMITTED A CERTAIN
10:18AM 22 NUMBER OF PEREMPTORY CHALLENGES TO PROSPECTIVE JURORS.

10:19AM 23 THE ATTORNEY MAY EXCUSE A JUROR BECAUSE IN THEIR OPINION
10:19AM 24 THEY FEEL THAT THIS ISN'T THE RIGHT CASE FOR THE JUROR.

10:19AM 25 CHALLENGES FOR CAUSE ARE CHALLENGES WHERE A PARTY OR THE

1 COURT FEELS THAT A PROSPECTIVE JUROR CANNOT SIT ON A CASE
2 BECAUSE OF A BIAS, INTEREST, OR OTHER INABILITY TO BE FAIR AND
3 IMPARTIAL.

4 I WILL DECIDE IF A JUROR SHOULD BE EXCUSED FOR CAUSE.

5 NOW, THE QUESTIONS OF THE COURT AND COUNSEL AND THE
6 ANSWERS OF PROSPECTIVE JURORS ASSIST THE ATTORNEYS IN THEIR
7 DECISIONS.

8 FOLLOWING MY QUESTIONS AND THE QUESTIONS OF COUNSEL, THE
9 LAWYERS WILL HAVE AN OPPORTUNITY TO MAKE DECISIONS AS TO ANY
10 CHALLENGES THEY MIGHT HAVE. WE WILL TAKE THESE UP AFTER WE
11 HAVE MET WITH ALL OF THE PANELS SUMMONED FOR THIS CASE.

12 AS I SAID, YOU WILL BE NOTIFIED BY THE COURT WHETHER AND
13 WHEN YOU ARE TO RETURN TO THE COURT.

14 WE WILL ALSO SELECT SIX ALTERNATE JURORS WHO WILL SIT
15 DURING THE TRIAL. SHOULD A MEMBER OF THE 12 SEATED JURORS BE
16 UNABLE TO CONTINUE TO SIT AS A JUROR, THE ALTERNATE JURORS WILL
17 REPLACE THAT SITTING JUROR AND WILL JOIN THE OTHER JURORS IN
18 THE DELIBERATION AT THE CONCLUSION OF THE CASE.

19 IF THERE IS NO NEED FOR SUBSTITUTION OF A SITTING JUROR,
20 THE ALTERNATE JURORS WILL NOT JOIN THE DELIBERATIONS OF THE
21 SITTING JURORS AT THE CONCLUSION OF THE CASE BUT WILL BE
22 PERMITTED TO LEAVE THE COURT SUBJECT TO BEING RECALLED TO
23 REPLACE A DELIBERATING JUROR SHOULD THAT NEED ARISE.

24 NOW, LADIES AND GENTLEMEN, YOU HAVE COMPLETED
25 QUESTIONNAIRES LAST WEEK, I BELIEVE, AND THESE HAVE BEEN VERY

10:20AM 1 HELPFUL TO ALL OF US IN PREPARATION OF THIS PROCESS.

10:20AM 2 SOME OF MY QUESTIONS MAY BE REPETITIVE OR LIKE THE
10:20AM 3 QUESTIONNAIRE, AND I WILL HAVE ADDITIONAL QUESTIONS TO ASK EACH
10:20AM 4 OF YOU, SO I WANT TO THANK YOU IN ADVANCE FOR YOUR PATIENCE IN
10:21AM 5 THIS PROCESS.

10:21AM 6 PLEASE DO LISTEN CAREFULLY TO ALL OF THE QUESTIONS ASKED
10:21AM 7 AS WELL AS THE ANSWERS OF PROSPECTIVE JURORS. DOING THIS MAY
10:21AM 8 ASSIST YOU IN THINKING ABOUT WHAT YOUR RESPONSE MIGHT BE TO THE
10:21AM 9 QUESTION.

10:21AM 10 LET ME BEGIN BY ASKING ALL OF YOU HERE, DO ANY OF YOU KNOW
10:21AM 11 ANY OF THE UNITED STATES ATTORNEYS OR ANY DEFENSE COUNSEL, OR
10:21AM 12 ANY MEMBERS OF THEIR TEAMS? DO YOU KNOW ANY OF THESE LAWYERS
10:21AM 13 OR THEIR TEAMS? IF YOU DO, PLEASE RAISE YOUR HAND SO I CAN SEE
10:21AM 14 YOU.

10:21AM 15 I SEE NO HANDS.

10:21AM 16 HAVE ANY OF YOU HAD BUSINESS DEALINGS WITH THE ATTORNEYS
10:21AM 17 OR BEEN REPRESENTED BY THEM OR MEMBERS OF THEIR FIRMS?

10:21AM 18 AGAIN, I SEE NO HANDS.

10:21AM 19 DO ANY OF YOU KNOW THE DEFENDANT, MR. BALWANI? ANY OF YOU
10:21AM 20 KNOW HIM OR FEEL YOU KNOW HIM?

10:21AM 21 I SEE NO HANDS.

10:21AM 22 DO ANY OF YOU KNOW ANY OF THE WITNESSES THAT WERE ON THE
10:22AM 23 LIST THAT YOU READ PREVIOUSLY? ANYONE KNOW OR HAVE FAMILIARITY
10:22AM 24 WITH ANY OF THOSE INDIVIDUALS?

10:22AM 25 I SEE NO HANDS.

10:22AM 1 AS I TOLD YOU, THIS CASE RELATES TO MR. BALWANI AND
10:22AM 2 ALLEGATIONS OF VIOLATIONS OF WIRE FRAUD AND CONSPIRACY TO
10:22AM 3 COMMIT WIRE FRAUD AS I READ TO YOU IN THE INDICTMENT.
10:22AM 4 HAS ANYONE READ OR HEARD ANY NEWS COVERAGE OF THIS CASE?
10:22AM 5 JUST RAISE YOUR HANDS IF YOU HAVE.
10:22AM 6 OKAY. LET ME START IN THE BOX HERE. LET'S SEE. WE NEED
10:22AM 7 OUR MICROPHONE AGAIN.
10:22AM 8 IF YOU COULD RAISE YOUR HAND, WE'LL START IN THE BACK ROW.
10:22AM 9 YES.
10:22AM 10 IS THAT JUROR NUMBER 10?
10:22AM 11 PROSPECTIVE JUROR: YES.
10:22AM 12 THE COURT: WHAT IS IT THAT YOU WOULD LIKE ME TO
10:22AM 13 KNOW ABOUT THAT QUESTION?
10:23AM 14 PROSPECTIVE JUROR: I JUST HEARD IN THE NEWS OR ON
10:23AM 15 YOUTUBE SOMETHING -- SO I THINK MR. BALWANI AND FRAUD.
10:23AM 16 THE COURT: YOU HEARD SOMETHING ABOUT THE CASE ON
10:23AM 17 YOUTUBE DID YOU SAY?
10:23AM 18 PROSPECTIVE JUROR: YEAH, YOUTUBE OR NEWS, YEAH.
10:23AM 19 THE COURT: DID YOU, JUROR NUMBER 10, DID YOU WATCH
10:23AM 20 A YOUTUBE VIDEO ABOUT THIS CASE?
10:23AM 21 PROSPECTIVE JUROR: A FEW MONTHS AGO I THINK.
10:23AM 22 THE COURT: YES.
10:23AM 23 PROSPECTIVE JUROR: YEAH.
10:23AM 24 THE COURT: AND TELL ME, HOW LONG WAS THE VIDEO THAT
10:23AM 25 YOU SAW?

10:23AM 1 PROSPECTIVE JUROR: JUST A FEW MINUTES. I DID NOT
10:23AM 2 WATCH FROM THE BEGINNING TO THE END.

10:23AM 3 THE COURT: I SEE.

10:23AM 4 PROSPECTIVE JUROR: JUST MY FRIEND WATCH IT, AND I
10:23AM 5 JUST TAKE A LOOK.

10:23AM 6 THE COURT: I SEE.

10:23AM 7 PROSPECTIVE JUROR: YEAH.

10:23AM 8 THE COURT: ALL RIGHT. SO CAN YOU ESTIMATE THE
10:23AM 9 AMOUNT OF TIME THAT YOU WATCHED THAT VIDEO IN MINUTES OR
10:23AM 10 SECONDS?

10:24AM 11 PROSPECTIVE JUROR: PROBABLY TWO OR THREE MINUTES.

10:24AM 12 THE COURT: TWO OR THREE MINUTES. OKAY. THANK YOU.

10:24AM 13 AND IS THERE ANYTHING ABOUT WHAT YOU SAW OR HEARD IN THAT
10:24AM 14 VIDEO, THAT YOUTUBE VIDEO, THAT YOU THINK WILL AFFECT YOUR
10:24AM 15 ABILITY TO BE FAIR AND IMPARTIAL AS A JUROR IN THIS CASE?

10:24AM 16 PROSPECTIVE JUROR: BECAUSE I THINK IT IS IMPOSSIBLE
10:24AM 17 TO DO ONLY ONE BLOOD AND THEN YOU WILL KNOW YOUR HEALTH
10:24AM 18 CONDITION.

10:24AM 19 THE COURT: SO LET ME ASK YOU -- THAT'S YOUR OPINION
10:24AM 20 ABOUT -- IT SOUNDS LIKE YOU HEARD SOMETHING ABOUT THE CASE FROM
10:24AM 21 THE YOUTUBE VIDEO?

10:24AM 22 PROSPECTIVE JUROR: I THINK SO, YEAH.

10:24AM 23 THE COURT: AND THERE MAY HAVE BEEN THINGS THAT WERE
10:24AM 24 SAID IN THAT VIDEO?

10:24AM 25 PROSPECTIVE JUROR: YEAH.

10:24AM 1 THE COURT: AND IS THAT WHAT YOU JUST TOLD ME THAT
10:24AM 2 YOU HEARD, OR IS THAT WHAT YOU BELIEVE?

10:24AM 3 PROSPECTIVE JUROR: I BELIEVE.

10:24AM 4 THE COURT: YOU PERSONALLY BELIEVE THAT?

10:24AM 5 PROSPECTIVE JUROR: YEAH.

10:24AM 6 THE COURT: I SEE. OKAY.

10:25AM 7 SO -- AND IS THAT BASED ON WHAT YOU SAW IN THAT VIDEO OR
10:25AM 8 SOME OTHER INFORMATION?

10:25AM 9 PROSPECTIVE JUROR: ME AND MY HUSBAND, WE DISCUSSED,
10:25AM 10 WE DISCUSSED A LITTLE BIT.

10:25AM 11 THE COURT: I SEE.

10:25AM 12 PROSPECTIVE JUROR: AND THEN WE BOTH THOUGHT THIS IS
10:25AM 13 IMPOSSIBLE.

10:25AM 14 THE COURT: YOU BOTH DECIDED?

10:25AM 15 PROSPECTIVE JUROR: YEAH.

10:25AM 16 THE COURT: ARE YOU SCIENTISTS?

10:25AM 17 PROSPECTIVE JUROR: NO, I'M NOT.

10:25AM 18 THE COURT: I SEE. OKAY.

10:25AM 19 PROSPECTIVE JUROR: YEAH.

10:25AM 20 THE COURT: ALL RIGHT. I SEE.

10:25AM 21 IS THERE ANY -- HAVE YOU SEEN ANYTHING ELSE THAT YOU
10:25AM 22 THINK -- ANYTHING ELSE ABOUT THIS CASE?

10:25AM 23 PROSPECTIVE JUROR: NO.

10:25AM 24 THE COURT: JUST THAT VIDEO?

10:25AM 25 PROSPECTIVE JUROR: YEAH.

10:25AM 1 THE COURT: SO, JUROR NUMBER 10, IF YOU'RE SEATED AS
10:25AM 2 A JUROR IN THIS CASE, WILL YOU BE ABLE TO PUT WHAT YOU SAW AND
10:25AM 3 WHAT YOU BELIEVE OUT OF YOUR MIND AND MAKE A DECISION ONLY ON
10:25AM 4 WHAT YOU HEAR IN THIS COURTROOM? WILL YOU BE ABLE TO DO THAT?

10:25AM 5 PROSPECTIVE JUROR: HONESTLY, I DON'T KNOW.

10:26AM 6 THE COURT: OKAY.

10:26AM 7 PROSPECTIVE JUROR: YEAH.

10:26AM 8 THE COURT: OKAY.

10:26AM 9 PROSPECTIVE JUROR: YEAH, I DON'T.

10:26AM 10 THE COURT: OKAY. NOW, YOU UNDERSTAND THE TRIAL, AS
10:26AM 11 I EXPLAINED IT BEFORE, WHAT YOU WILL HEAR AS A JUROR IN THIS
10:26AM 12 CASE IS EVIDENCE, A WITNESS -- WITNESSES WILL SIT RIGHT THERE
10:26AM 13 (INDICATING). THEY WILL SIT RIGHT THERE, AND THESE LAWYERS
10:26AM 14 WILL ASK WITNESSES QUESTIONS. THE LAWYERS MAY INTRODUCE
10:26AM 15 EXHIBITS, DOCUMENTS. THEY MAY SHOW THEM TO YOU ON THESE
10:26AM 16 SCREENS IN FRONT OF YOU.

10:26AM 17 AT THE END OF THE CASE THEY WILL HAVE AN OPPORTUNITY TO
10:26AM 18 ARGUE TO THE JURY, THAT IS, TO TELL THE JURY WHAT THEY BELIEVE
10:26AM 19 THE EVIDENCE SHOWS.

10:26AM 20 AT THE END OF THE CASE I WILL TELL THE JURY THE LAW THAT
10:26AM 21 THE JURY MUST USE WHEN THEY DELIBERATE, DECIDE THE CASE.

10:26AM 22 DO YOU UNDERSTAND THAT CONCEPT?

10:26AM 23 DO YOU UNDERSTAND HOW IT WORKS?

10:26AM 24 PROSPECTIVE JUROR: YES. YES.

10:27AM 25 THE COURT: SO WHAT THAT MEANS, JUROR NUMBER 10, IS

10:27AM 1 YOUR DECISION, AND YOUR FELLOW JUROR'S DECISION, MUST BE MADE
10:27AM 2 ONLY, ONLY ON THE EVIDENCE THAT YOU HEAR IN THIS COURTROOM IN
10:27AM 3 THIS TRIAL. THAT'S IT.

10:27AM 4 THE JURY CANNOT CONSIDER ANY EVIDENCE OUTSIDE, ANYTHING
10:27AM 5 THAT HAPPENED OUTSIDE, ANY ARTICLES, NEWSPAPERS, RADIO, THAT
10:27AM 6 CANNOT BE CONSIDERED IN YOUR DECISION.

10:27AM 7 ONLY THE EVIDENCE THAT IS IN THE UNIVERSE OF THIS
10:27AM 8 COURTROOM THAT IS ADMITTED, THAT'S ALL.

10:27AM 9 SO IN YOUR CASE, JUROR NUMBER 10, YOU WOULD NOT BE
10:27AM 10 PERMITTED TO CONSIDER THE YOUTUBE VIDEO THAT YOU SAW FOR TWO OR
10:27AM 11 THREE MINUTES. YOU WOULDN'T BE ABLE TO CONSIDER THAT.

10:27AM 12 NOR WOULD YOU BE ABLE TO CONSIDER YOUR HUSBAND'S
10:27AM 13 CONVERSATIONS WITH YOU, HIS COMMENTS TO YOU ABOUT HIS BELIEFS.
10:28AM 14 YOU CAN'T CONSIDER THAT IN THIS CASE IF YOU'RE SEATED AS A
10:28AM 15 JUROR. THAT'S NOT PERMITTED.

10:28AM 16 AND I THINK YOU UNDERSTAND WHY. THAT'S NOT FAIR TO THINK
10:28AM 17 ABOUT SOMETHING THAT HAPPENED OUTSIDE, SOMEBODY WHO MAY NOT
10:28AM 18 HAVE EVEN BEEN IN THE COURTROOM WHO DOES NOT KNOW WHAT THE
10:28AM 19 EVIDENCE IS. IT'S NOT FAIR TO BOTH SIDES TO HAVE THAT HAPPEN.

10:28AM 20 DO YOU UNDERSTAND? I'M NOT PICKING YOU ON YOU. THIS IS A
10:28AM 21 WONDERFUL OPPORTUNITY TO DESCRIBE FOR YOUR COLLEAGUES HERE HOW
10:28AM 22 THIS PROCESS WORKS AND THE IMPORTANCE OF ONLY CONSIDERING THE
10:28AM 23 EVIDENCE IN THIS COURTROOM.

10:28AM 24 DO YOU UNDERSTAND THAT?

10:28AM 25 PROSPECTIVE JUROR: YES.

10:28AM 1 THE COURT: DO YOU THINK THAT YOU'LL BE ABLE TO DO
10:28AM 2 THAT?

10:28AM 3 PROSPECTIVE JUROR: I'LL TRY, YEAH.

10:28AM 4 THE COURT: OKAY. AND I APPRECIATE THAT AND THESE
10:28AM 5 LAWYERS APPRECIATE THAT YOU'LL TRY. YOU KNOW, WE ALL HAVE
10:28AM 6 EXPECTATIONS THAT WE CAN TRY. AND I SOMETIMES WONDER, HOW DO I
10:29AM 7 TALK TO SOMEONE WHEN THEY SAY THEY'LL TRY TO DO IT?

10:29AM 8 AND I TRY TO COMPARE IT THINKING LIKE, WELL, I THINK I'LL
10:29AM 9 GO OUTSIDE AND RUN A MILE IN FOUR MINUTES, AND I CAN TRY TO DO
10:29AM 10 THAT, BUT I'M VERY CONFIDENT THAT I WILL NOT BE ABLE TO RUN A
10:29AM 11 MILE IN FOUR MINUTES. I'M VERY CONFIDENT I CAN'T. BUT I'LL
10:29AM 12 TRY. BUT I HAVE GREAT CONFIDENCE THAT I WON'T BE ABLE TO RUN A
10:29AM 13 MILE IN FOUR MINUTES.

10:29AM 14 DO YOU UNDERSTAND THAT CONCEPT?

10:29AM 15 PROSPECTIVE JUROR: UH-HUH, YES.

10:29AM 16 THE COURT: RIGHT. SO I DON'T KNOW IF THAT HELPS
10:29AM 17 YOU ANSWER MY QUESTION OR THOUGHTS ABOUT YOUR ABILITY TO PUT
10:29AM 18 ASIDE EVERYTHING.

10:29AM 19 PROSPECTIVE JUROR: UH-HUH.

10:29AM 20 THE COURT: WHAT DO YOU THINK?

10:29AM 21 YOU SHOULD KNOW I'M SMILING RIGHT NOW. I'M NOT PICKING ON
10:29AM 22 YOU.

10:29AM 23 PROSPECTIVE JUROR: YES, YES.

10:29AM 24 THE COURT: YOU'RE THE FIRST PERSON TO ANSWER A
10:29AM 25 QUESTION, SO --

10:29AM 1 PROSPECTIVE JUROR: YES.

10:29AM 2 THE COURT: YES. SO SORRY ABOUT THAT.

10:29AM 3 BUT WHAT DO YOU THINK? WHAT DO YOU THINK ABOUT THAT
10:29AM 4 CONCEPT?

10:30AM 5 YOU SAID YOU'LL TRY. YOU SAID YOU'LL TRY.

10:30AM 6 DO THESE LAWYERS -- DO I HAVE TO WORRY ABOUT, WELL, JUROR
10:30AM 7 NUMBER 10 SAW THIS VIDEO, IT CAUSED HER TO THINK, SHE TOLD US
10:30AM 8 THIS MORNING THAT SHE DOES NOT BELIEVE SOMETHING IS POSSIBLE
10:30AM 9 THAT MAY BE IN EVIDENCE IN THIS CASE, I DON'T KNOW.

10:30AM 10 BUT DO YOU THINK THAT YOU COULD PUT ALL OF THAT ASIDE AND
10:30AM 11 JUST DECIDE THE CASE ONLY ON WHAT YOU HEAR HERE IN THE
10:30AM 12 COURTROOM?

10:30AM 13 PROSPECTIVE JUROR: OKAY. YES. OKAY.

10:30AM 14 THE COURT: I'M NOT TRYING TO TALK YOU INTO
10:30AM 15 SOMETHING.

10:30AM 16 PROSPECTIVE JUROR: YEAH.

10:30AM 17 THE COURT: YOU KNOW, WE WANT TO KNOW. WE WANT TO
10:30AM 18 KNOW -- NOW THAT YOU KNOW AND UNDERSTAND THAT CONCEPT.

10:30AM 19 PROSPECTIVE JUROR: YEAH, I UNDERSTAND, YES.

10:30AM 20 THE COURT: ALL RIGHT. IS THERE ANYTHING ELSE YOU
10:30AM 21 WANT ME TO KNOW ABOUT THAT?

10:30AM 22 PROSPECTIVE JUROR: NO.

10:30AM 23 THE COURT: THANK YOU FOR LETTING ME SPEND SOME TIME
10:30AM 24 WITH YOU TO EXPLAIN THIS PROCESS.

10:30AM 25 PROSPECTIVE JUROR: OKAY.

10:30AM 1 THE COURT: I HOPE THIS WILL BE HELPFUL FOR YOUR
10:30AM 2 FELLOW JURORS.

10:30AM 3 PROSPECTIVE JUROR: OKAY.

10:30AM 4 THE COURT: THANK YOU FOR THAT, JUROR NUMBER 10.

10:31AM 5 PROSPECTIVE JUROR: OKAY. THANK YOU.

10:31AM 6 THE COURT: YOU'RE WELCOME.

10:31AM 7 WAS THERE SOMEONE ELSE? YES. WHY DON'T WE HAND IT OVER,
10:31AM 8 JUROR NUMBER 10, TO -- WHY DON'T YOU HAND IT TO YOUR LEFT.
10:31AM 9 OH, LET'S GO TO -- DOWN TO THE END OF THE ROW. YES.
10:31AM 10 THANK YOU.

10:31AM 11 IS THAT JUROR 34?

10:31AM 12 PROSPECTIVE JUROR: CORRECT.

10:31AM 13 THE COURT: YES. YES, SIR.

10:31AM 14 PROSPECTIVE JUROR: YES, I THINK TO ANSWER THE
10:31AM 15 QUESTION IF WE HAVE SEEN IT ON THE NEWS AND WHATNOT.

10:31AM 16 THE COURT: YES.

10:31AM 17 PROSPECTIVE JUROR: YES, FOR SURE. I CONSUME NEWS
10:31AM 18 PRETTY FREQUENTLY SO I JUST WANTED TO RAISE MY HAND FOR THAT.

10:31AM 19 THE COURT: SURE. AND BASED ON WHAT -- YOUR
10:31AM 20 KNOWLEDGE OF THE NEWS AND WHAT YOU'VE READ AND THOSE THINGS, DO
10:31AM 21 YOU THINK THAT WILL AFFECT YOUR ABILITY TO BE FAIR AND
10:31AM 22 IMPARTIAL AS A JUROR IN THIS CASE.

10:31AM 23 PROSPECTIVE JUROR: I MEAN, BASED ON YOUR PREVIOUS
10:31AM 24 DESCRIPTION, I THINK, YOU KNOW, I FALL INTO THE "I WILL TRY,"
10:31AM 25 BUT I THINK IN MY MIND I COULD PROBABLY ELIMINATE SOME OF IT.

10:32AM 1 YOU KNOW, I'M -- I DO CONSUME NEWS QUITE A BIT, SO I
10:32AM 2 DON'T KNOW WHAT OF THAT HAS AN EFFECT ON ME IN REALITY. I
10:32AM 3 COULDN'T TELL YOU.

10:32AM 4 BUT I DEFINITELY WOULD PROMISE TO DO, YOU KNOW, WHAT I
10:32AM 5 SHOULD.

10:32AM 6 THE COURT: OKAY. THANK YOU. I APPRECIATE THAT.

10:32AM 7 YOU KNOW, IT IS KIND OF A -- AND I THINK I UNDERSTAND,
10:32AM 8 JUROR NUMBER 34, THE -- YOUR POSITION MIGHT BE HOW DO YOU --
10:32AM 9 HOW CAN I FORGET? HOW CAN I PUT OUT OF MY MIND SOMETHING THAT
10:32AM 10 I'VE READ AND MAYBE FOLLOWED?

10:32AM 11 IT SOUNDS LIKE YOU'RE A REGULAR CONSUMER OF NEWS.

10:32AM 12 PROSPECTIVE JUROR: YEP.

10:32AM 13 THE COURT: AND IT MAY BE THAT THIS CASE WAS IN THE
10:32AM 14 NEWS RECENTLY, AND YOU'VE SEEN IT, YOU'VE READ ARTICLES ABOUT
10:32AM 15 IT.

10:32AM 16 AND YOU MIGHT BE SAYING, NOW THIS JUDGE IS ASKING ME TO
10:32AM 17 FORGET EVERYTHING I READ. HOW DO I DO THAT? HOW DO I FORGET?
10:33AM 18 YOU KNOW, THE MULTIPLICATION TABLES, WHAT IS 2 TIMES 2? HOW DO
10:33AM 19 I PUT THAT OUT OF MY MIND, RIGHT?

10:33AM 20 AND THAT'S WHAT WE ASK YOU TO DO AS JURORS, THOUGH. I
10:33AM 21 UNDERSTAND WE'RE HUMAN, AND THESE LAWYERS WANT TO KNOW IS IT
10:33AM 22 POSSIBLE FOR EACH JUROR, PROSPECTIVE JUROR TO DO THAT?

10:33AM 23 WHAT CHALLENGES WOULD THEY HAVE AND CAN THEY PROMISE BOTH
10:33AM 24 SIDES AND THE COURT THAT THEY WOULD DO THAT?

10:33AM 25 AND IT'S, IT'S -- YOU KNOW, JUROR NUMBER 34, I RECOGNIZE

10:33AM 1 THAT IT WOULD BE A CHALLENGE IF YOU HAVE SOME PRIOR KNOWLEDGE.

10:33AM 2 THE FEAR IS THAT YOU MIGHT HEAR SOMETHING IN THIS
10:33AM 3 COURTROOM AND YOU'LL SAY, WELL, THAT'S NOT, THAT'S NOT WHAT I
10:33AM 4 READ IN A BLOG, OR THAT'S NOT WHAT I -- THAT'S CONTRARY TO WHAT
10:33AM 5 I READ IN THE NEWSPAPER.

10:33AM 6 AND IT MIGHT BE THAT THE BLOG WAS COMPLETELY WRONG. THE
10:33AM 7 BLOG HAS JUST THIS PERSON'S OPINION WHO IS BLOGGING THAT REALLY
10:33AM 8 IS NOT BASED ON ANYTHING.

10:34AM 9 THE NEWSPAPER MIGHT BE WRONG BECAUSE THEY'RE JUST
10:34AM 10 REPORTING SOMETHING THAT THEIR OPINION OF WHAT HAPPENED OR
10:34AM 11 SOMETHING LIKE THAT.

10:34AM 12 BUT WHAT IS CRITICALLY IMPORTANT FOR A JUROR IS TO MAKE
10:34AM 13 THE DECISION ONLY ON THE EVIDENCE IN THIS COURTROOM. IT'S
10:34AM 14 CRITICAL TO BOTH SIDES FOR A FAIR TRIAL. I THINK YOU
10:34AM 15 UNDERSTAND THAT.

10:34AM 16 PROSPECTIVE JUROR: YEAH, TOTALLY UNDERSTOOD. YOU
10:34AM 17 KNOW, THERE'S THINGS ALWAYS TWIRLING IN YOUR HEAD, AND HOW DO
10:34AM 18 YOU BLOCK THAT OUT?

10:34AM 19 THE COURT: RIGHT. YEAH.

10:34AM 20 SO THAT'S THE CHALLENGE FOR JURORS WHERE THEY HAVE SOME
10:34AM 21 PRIOR INFORMATION. AND THE PURPOSE OF OUR CONVERSATION THIS
10:34AM 22 MORNING IS -- THESE LAWYERS WILL PROBABLY ASK YOU QUESTIONS ON
10:34AM 23 THIS AS WELL -- IS WHAT -- YOU KNOW, FIRST OF ALL, CAN YOU GIVE
10:34AM 24 ASSURANCE TO ALL OF US THAT YOU CAN BE A FAIR AND IMPARTIAL
10:34AM 25 JUROR IN THIS CASE?

10:34AM 1 AND THERE'S NO RIGHT ANSWER TO THAT. YOU CAN, YOU CAN'T.

10:35AM 2 YOU WILL GIVE EVERY EFFORT BECAUSE YOU UNDERSTAND NOW THE

10:35AM 3 PARAMETERS AND IMPORTANCE OF THAT CONCEPT, AND YOU'LL ADHERE TO

10:35AM 4 THAT.

10:35AM 5 WHAT DO YOU THINK, JUROR NUMBER 34, WHAT IS YOUR PROCESS

10:35AM 6 FOR THAT?

10:35AM 7 PROSPECTIVE JUROR: I MEAN, I WOULD SAY YES. I'M

10:35AM 8 GREAT AT FOLLOWING GUIDELINES AND DIRECTIONS.

10:35AM 9 AND LIKE I SAID, THE ONLY PART IS THAT THERE IS SOME

10:35AM 10 EMBEDDED KNOWLEDGE, WHETHER IT'S TRUE OR NOT, AND I WILL PUT IT

10:35AM 11 OUT.

10:35AM 12 THE COURT: YOU CAN PARSE THAT OUT, KEEP THAT

10:35AM 13 SEPARATE IF YOU'RE SEATED AS A JUROR IN THE CASE.

10:35AM 14 PROSPECTIVE JUROR: YEAH, I BELIEVE THAT IF WE'RE

10:35AM 15 JUST LOOKING AT EVIDENCE HERE POTENTIALLY, YEAH. IT'S REALLY

10:35AM 16 HARD FOR ME TO PREDICT THE FUTURE. I HAVE NOT SAT ON A JURY

10:35AM 17 BEFORE, AND SO I DON'T KNOW WHAT -- I CAN SAY YES, BUT, YOU

10:35AM 18 KNOW --

10:36AM 19 THE COURT: OKAY. WITH GREAT CONFIDENCE?

10:36AM 20 PROSPECTIVE JUROR: WITH SOME CONFIDENCE.

10:36AM 21 THE COURT: AND AGAIN, THAT'S WHAT THE JURY SERVICE

10:36AM 22 IS. THE DECISION IS ONLY ON THE EVIDENCE HERE.

10:36AM 23 AND THAT EVIDENCE MAY BE SOMEWHAT DIFFERENT THAN WHAT YOU

10:36AM 24 AND OTHERS HAVE HEARD, READ, OR TALKED ABOUT IN THE NEWS WORLD,

10:36AM 25 IN THE PRIVATE ARENA.

10:36AM 1 BUT IT HAS TO BE CONFINED HERE. AND THE REASON I'M
10:36AM 2 SPENDING TIME ON THIS IS THAT ALL OF US WANT TO BE ASSURED THAT
10:36AM 3 A JUROR WHO SITS HERE WILL DO THAT. THAT'S PART OF THE JOB.
10:36AM 4 THAT'S PART OF THE OATH.

10:36AM 5 THE OTHER PART OF THIS IS TO FOLLOW THE INSTRUCTIONS OF
10:36AM 6 THE COURT. I'LL GIVE YOU THE LAW THAT APPLIES TO THE COURT.

10:36AM 7 ONE OF THE INSTRUCTIONS THAT I'LL GIVE YOU IS THAT YOU'RE
10:36AM 8 NOT, IF YOU'RE SEATED AS A JUROR IN THE CASE, YOU'RE NOT
10:36AM 9 PERMITTED TO READ, DO ANY INVESTIGATION, LEARN ABOUT THIS CASE
10:36AM 10 IN ANY OTHER WAY FOR THE SAME REASONS.

10:37AM 11 PROSPECTIVE JUROR: OKAY.

10:37AM 12 THE COURT: RIGHT. YOU CAN DO THAT I TAKE IT?

10:37AM 13 PROSPECTIVE JUROR: YES.

10:37AM 14 THE COURT: OKAY. ANYTHING ELSE YOU WOULD LIKE US
10:37AM 15 TO KNOW ABOUT THE QUESTION ABOUT HAVING HEARD OR KNOWN
10:37AM 16 SOMETHING ABOUT THE CASE?

10:37AM 17 PROSPECTIVE JUROR: NO. I THINK THAT'S IT.

10:37AM 18 THE COURT: CAN YOU BE A FAIR AND IMPARTIAL JUROR IN
10:37AM 19 THIS CASE TO BOTH SIDES?

10:37AM 20 PROSPECTIVE JUROR: I BELIEVE I CAN.

10:37AM 21 THE COURT: OKAY. THANK YOU.

10:37AM 22 THE FRONT ROW HERE I THINK WAS ANOTHER INDIVIDUAL.

10:37AM 23 YES, 28. THANK YOU, SIR.

10:37AM 24 JUROR NUMBER 28, YES.

10:37AM 25 PROSPECTIVE JUROR: THANK YOU, YOUR HONOR.

10:37AM 1 WELL, MY CASE IS DIFFERENT. I DON'T KNOW ANYBODY HERE,
10:37AM 2 ESPECIALLY WITH MR. BALWANI, BUT I KIND OF KNOW THE COMPANIES
10:37AM 3 CREATED BY ELIZABETH HOLMES. IT'S BEEN LIKE -- WELL, I READ
10:37AM 4 THE NEWS NOT ABOUT HER CASE BUT ABOUT HER COMPANIES, AND IT'S
10:38AM 5 BEEN MANY YEARS, AND IT'S BEEN DISCUSSED IN THE FAMILY, TOO,
10:38AM 6 YEARS BEFORE I WAS CALLED HERE TO BE LIKE THE JURY.

10:38AM 7 THE FACT IS, LIKE, I'VE BEEN PROBABLY CARE FOR MY ELDER
10:38AM 8 PARENTS.

10:38AM 9 THE COURT: YES.

10:38AM 10 PROSPECTIVE JUROR: AND ALSO MY TERMINALLY ILL
10:38AM 11 SISTER. AND THE LAST ONE HAD BREAST CANCER, AND SHE JUST
10:38AM 12 PASSED AWAY A FEW MONTHS AGO.

10:38AM 13 AND THE POINT IS THAT LIKE EVERY TIME I HELP TAKE MY
10:38AM 14 PARENTS AND SISTER TO THE HOSPITAL FOR THE BLOOD TESTS AND
10:39AM 15 EVERYTHING, AND MY FATHER, YOU KNOW, HE COULDN'T WALK SO
10:39AM 16 USUALLY I PUSH HIM WITH THE WHEELCHAIR, AND, YOU KNOW, HE LOOK
10:39AM 17 WELL AND IT'S VERY HARD FOR LIKE THE TECHES TO DRAW BLOOD FROM
10:39AM 18 HIM AT THE CLINICS AND ALSO AT THE HOSPITAL, ESPECIALLY WITH MY
10:39AM 19 SISTER WHO IS VERY -- IT'S HARD TO DRAW BLOOD FROM HER. SO
10:39AM 20 USUALLY WHEN SHE HAS, LIKE, THEY HAVE TO POKE A LOT OF TIMES ON
10:39AM 21 HER ARM TO GET BLOOD.

10:39AM 22 THE COURT: YES.

10:39AM 23 PROSPECTIVE JUROR: BUT COULDN'T. AND SHE'S, SHE'S
10:39AM 24 SO SCARED ABOUT THAT.

10:39AM 25 AND THEN --

10:39AM 1 THE COURT: SO LET ME ASK YOU, JUROR NUMBER 28 --

10:40AM 2 PROSPECTIVE JUROR: OKAY.

10:40AM 3 THE COURT: -- IT SOUNDS LIKE YOU HAVE SOME PERSONAL

10:40AM 4 EXPERIENCE --

10:40AM 5 PROSPECTIVE JUROR: RIGHT, RIGHT.

10:40AM 6 THE COURT: -- WITH THE BLOOD DRAW?

10:40AM 7 PROSPECTIVE JUROR: RIGHT.

10:40AM 8 THE COURT: BUT HAVE YOU SEEN ANYTHING ABOUT THIS

10:40AM 9 CASE? YOU TOLD US THAT YOU READ AND YOU DISCUSSED THIS.

10:40AM 10 PROSPECTIVE JUROR: RIGHT.

10:40AM 11 THE COURT: RIGHT.

10:40AM 12 PROSPECTIVE JUROR: ON THE NEWSPAPER.

10:40AM 13 THE POINT IS THAT WHAT HAPPENED TO MY SISTER IS THAT THEY

10:40AM 14 PUT A PORT ON HER --

10:40AM 15 THE COURT: BUT, SIR, THIS QUESTION IS RELATED TO

10:40AM 16 WHETHER OR NOT YOU HAVE HEARD OR SEEN OR KNOW ANYTHING ABOUT

10:40AM 17 THIS CASE? NEWS COVERAGE ABOUT THE CASE?

10:40AM 18 PROSPECTIVE JUROR: RIGHT. THROUGHOUT THE YEARS, I

10:40AM 19 WISH THAT -- YOU KNOW, IF I'M NOT MISTAKEN, LIKE I THINK

10:40AM 20 ELIZABETH HOLMES WAS WITH A BACHELOR FROM STANFORD, AND I WOULD

10:41AM 21 HOPE THAT STANFORD AND HAS THE BREAKTHROUGH LIKE, YOU KNOW,

10:41AM 22 LIKE GET A FEW DROPS OF BLOOD.

10:41AM 23 THE COURT: THIS IS WHAT YOU HEARD? THIS IS WHAT

10:41AM 24 YOU READ IN THE NEWS?

10:41AM 25 PROSPECTIVE JUROR: READ IN THE NEWS.

10:41AM 1 THE COURT: OKAY. I SEE.

10:41AM 2 PROSPECTIVE JUROR: SO I DON'T BELIEVE THAT THE
10:41AM 3 COMPANY, THERANOS, HAS THE BREAKTHROUGH BECAUSE I FOLLOW THIS
10:41AM 4 AND I KNOW THAT IS A FRAUD COMPANY.

10:41AM 5 THE COURT: OKAY. SO LET ME ASK YOU, SIR, JUROR
10:41AM 6 NUMBER 28, IS THERE ANYTHING ABOUT WHAT YOU'VE HEARD, YOU'VE
10:41AM 7 READ THAT YOU THINK WILL AFFECT YOUR ABILITY TO BE FAIR TO BOTH
10:41AM 8 SIDES IN THIS CASE?

10:41AM 9 PROSPECTIVE JUROR: I DON'T KNOW ANYTHING ABOUT
10:41AM 10 MR. BALWANI, THE COO OF THE COMPANY, BUT AS FAR AS THE COMPANY
10:42AM 11 BY ITSELF AND FRIENDS AND FAMILY, THAT THIS IS THE FRAUD
10:42AM 12 COMPANY. SO IT'S LIKE IMPOSSIBLE.

10:42AM 13 RIGHT NOW -- MAYBE IN THE FUTURE BUT NOW IT'S -- YOU
10:42AM 14 CANNOT --

10:42AM 15 THE COURT: YOU DON'T -- OKAY. YOU FORMED AN
10:42AM 16 OPINION?

10:42AM 17 PROSPECTIVE JUROR: RIGHT. SO I'VE BEEN SAYING THIS
10:42AM 18 IS A FRAUD COMPANY BECAUSE IT DIRECTLY RELATE TO MY PERSONAL
10:42AM 19 EXPERIENCE WITH MY --

10:42AM 20 THE COURT: YES, I THINK I UNDERSTAND.

10:42AM 21 PROSPECTIVE JUROR: -- FAMILY AND MY PASSED AWAY
10:42AM 22 SISTER. SO I KNOW --

10:42AM 23 THE COURT: JUROR NUMBER 28, I THINK I UNDERSTAND
10:42AM 24 WHAT YOU'RE SAYING. YOU HAVE SOME PERSONAL CONNECTION.

10:42AM 25 HANG ON. WE CAN ONLY TALK ONE AT A TIME, SO I APOLOGIZE

10:42AM 1 FOR INTERRUPTING YOU, SIR.

10:42AM 2 I THINK I UNDERSTAND THAT YOU'VE TOLD ME THAT THERE'S A

10:42AM 3 PERSONAL CONNECTION WITH BLOOD TESTING PROCESS.

10:42AM 4 SIR, SIR, SIR, YOU HAVE A SEAT, SIR.

10:43AM 5 PROSPECTIVE JUROR: COULD I USE THE RESTROOM?

10:43AM 6 THE COURT: YES. GO AHEAD AND HAVE A SEAT FOR JUST

10:43AM 7 A MOMENT, SIR.

10:43AM 8 THANK YOU VERY MUCH. I THINK YOU'VE ANSWERED MY QUESTION.

10:43AM 9 LET'S SEE. WAS THERE ANOTHER HAND IN THE BOX?

10:43AM 10 PROSPECTIVE JUROR: YES.

10:43AM 11 THE COURT: LET'S DO -- LET ME TALK TO THIS

10:43AM 12 GENTLEMAN, AND THEN WE'LL TAKE A BRIEF BREAK FOR ABOUT FIVE

10:43AM 13 MINUTES.

10:43AM 14 PROSPECTIVE JUROR: THANKS.

10:43AM 15 THE COURT: YOU'RE JUROR 10?

10:43AM 16 PROSPECTIVE JUROR: JUROR 1.

10:43AM 17 THE COURT: I'M SORRY, JUROR 1. YES.

10:43AM 18 PROSPECTIVE JUROR: SO I'VE ONLY HEARD OF THIS CASE

10:43AM 19 AS A RESULT OF READING ABOUT THE END OF THE OTHER THERANOS CASE

10:43AM 20 INVOLVING ELIZABETH HOLMES.

10:43AM 21 THE COURT: YES.

10:43AM 22 PROSPECTIVE JUROR: I KNOW THAT --

10:43AM 23 THE COURT: YOU KNOW ABOUT THAT CASE?

10:43AM 24 PROSPECTIVE JUROR: YES, I KNOW ABOUT THAT CASE, AND

10:43AM 25 IT WAS ANNOUNCED AT THE END OF THE ARTICLE THAT MR. BALWANI'S

10:43AM 1 JURY TRIAL WAS GOING TO START AFTERWARDS.

10:43AM 2 THE COURT: RIGHT.

10:43AM 3 PROSPECTIVE JUROR: I'VE ALSO BEEN FOLLOWING IN THE
10:44AM 4 THERANOS -- I HAVEN'T WATCHED ANY OF THE DOCUMENTARIES, BUT I
10:44AM 5 HAVE BEEN FOLLOWING THE SAGA SINCE -- I FOLLOWED THE CASE, AND
10:44AM 6 I FOLLOWED THE ALLEGATIONS.

10:44AM 7 THE COURT: OKAY. AND YOU'VE HEARD ME TALK ABOUT --

10:44AM 8 PROSPECTIVE JUROR: YES.

10:44AM 9 THE COURT: AND WHAT ARE YOUR THOUGHTS ABOUT WHETHER
10:44AM 10 YOU CAN PUT WHATEVER YOU'VE READ, WHATEVER YOU'VE CONSUMED
10:44AM 11 ASIDE AND ONLY DECIDE THIS CASE ON THE EVIDENCE THAT YOU HEAR
10:44AM 12 IN THIS COURTROOM? CAN YOU DO THAT?

10:44AM 13 PROSPECTIVE JUROR: I'M UNSURE BECAUSE OF MY
10:44AM 14 PREVIOUS EXPERIENCE BECAUSE I'M A MILITARY OFFICER AS WELL, AND
10:44AM 15 I HAVE EXPECTATIONS OF PEOPLE IN POWER, PARTICULARLY
10:44AM 16 OPERATIONAL OFFICERS AND PRESIDENTS AND GENERALS AND COLONELS
10:44AM 17 AND WHOEVER THE PEOPLE ARE IN POWER, AND I HOLD THEM TO A
10:44AM 18 HIGHER EXPECTATION THAN I DO MY ENLISTED FOLKS.

10:44AM 19 SO THAT BIAS -- I'M FEELING THAT THAT BIAS WILL PROBABLY
10:44AM 20 FEED INTO MY ASSESSMENT OF MR. BALWANI SINCE HE WAS COO AND
10:45AM 21 PRESIDENT.

10:45AM 22 THE COURT: ALL RIGHT. AND YOU THINK THAT THAT --
10:45AM 23 BECAUSE YOU HOLD PEOPLE IN POSITIONS OF POWER TO A HIGHER
10:45AM 24 STANDARD, YOU THINK THAT COULD AFFECT YOUR ABILITY TO JUDGE HIM
10:45AM 25 FAIRLY?

10:45AM 1 PROSPECTIVE JUROR: CORRECT.

10:45AM 2 THE COURT: YOU HAVE NOT HEARD ANY EVIDENCE IN THE

10:45AM 3 CASE.

10:45AM 4 PROSPECTIVE JUROR: NOT IN THIS CASE I HAVE NOT,

10:45AM 5 CORRECT. I HAVE HEARD RECOUNTS OF THE PREVIOUS CASE.

10:45AM 6 THE COURT: BUT YOU HAVE NOT HEARD ANY EVIDENCE --

10:45AM 7 PROSPECTIVE JUROR: CORRECT, NO.

10:45AM 8 THE COURT: LET ME FINISH MY QUESTION.

10:45AM 9 YOU HAVE NOT HEARD ANY EVIDENCE IN THE CASE, HAVE YOU?

10:45AM 10 PROSPECTIVE JUROR: NO.

10:45AM 11 THE COURT: DID YOU ATTEND THE TRIAL?

10:45AM 12 PROSPECTIVE JUROR: NO.

10:45AM 13 THE COURT: AND WHAT YOU HEARD AND SAW WAS THIRD

10:45AM 14 PARTY, SECOND PARTY ACCOUNTS OF WHAT THOSE REPORTING PARTIES

10:45AM 15 BELIEVED HAPPENED IN THE CASE?

10:45AM 16 IS THAT A FAIR ASSESSMENT?

10:45AM 17 PROSPECTIVE JUROR: CORRECT.

10:45AM 18 THE COURT: AND SO THAT -- I SAY THIS TO YOU, SIR,

10:45AM 19 BECAUSE AS A JUROR, AGAIN, YOUR DECISION IS ONLY ON WHAT

10:45AM 20 HAPPENED IN THIS COURTROOM WITH THE EVIDENCE, RIGHT?

10:46AM 21 PROSPECTIVE JUROR: YES, SIR.

10:46AM 22 THE COURT: YOU KNOW CHAIN OF COMMAND?

10:46AM 23 PROSPECTIVE JUROR: YES.

10:46AM 24 THE COURT: AND I WILL INSTRUCT YOU AS TO THE LAW

10:46AM 25 THAT YOU WILL FOLLOW.

10:46AM 1 CAN YOU FOLLOW THE INSTRUCTIONS?

10:46AM 2 PROSPECTIVE JUROR: I CAN FOLLOW INSTRUCTIONS, YES.

10:46AM 3 THE COURT: RIGHT. RIGHT.

10:46AM 4 YOU WERE TRAINED TO DO THAT?

10:46AM 5 PROSPECTIVE JUROR: YES.

10:46AM 6 THE COURT: RIGHT. AND THE INSTRUCTION THAT I --

10:46AM 7 ONE OF THE INSTRUCTIONS THAT I WOULD INSTRUCT IF YOU'RE SEATED

10:46AM 8 AS A JUROR IS TO TELL YOU THAT YOU MAY NOT CONSIDER ANYTHING

10:46AM 9 OUTSIDE. YOU CAN'T DO THAT.

10:46AM 10 COULD YOU FOLLOW THAT INSTRUCTION?

10:46AM 11 I'M NOT YOUR COMMANDING OFFICER, I'M JUST A JUDGE.

10:46AM 12 PROSPECTIVE JUROR: WELL, I CAN FOLLOW THE FACTS,

10:46AM 13 BUT WHETHER MY BIASES COLOR THOSE FACTS IS MY BIG QUESTION, AND

10:46AM 14 I'M NOT SURE I CAN DO THAT.

10:46AM 15 THE COURT: OKAY. OKAY. FAIR ENOUGH.

10:46AM 16 THIS IS NOT A CHAIN OF COMMAND IN THE MILITARY FIELD WHERE

10:46AM 17 YOUR BIASES HAVE NOTHING TO DO WITH YOUR COMMANDING OFFICER'S

10:47AM 18 ORDER.

10:47AM 19 PROSPECTIVE JUROR: I HAVE A WAY OF COLORING THINGS

10:47AM 20 REGARDLESS.

10:47AM 21 THE COURT: WHAT RANK ARE YOU?

10:47AM 22 PROSPECTIVE JUROR: I'M A LIEUTENANT COLONEL.

10:47AM 23 THE COURT: ALL RIGHT. SO WHAT DO YOU THINK, CAN

10:47AM 24 YOU PUT ALL OF THOSE BIASES ASIDE? CAN YOU PUT WHAT YOU HAVE

10:47AM 25 HEARD ABOUT, READ ABOUT, AND DECIDE THIS CASE ONLY ON THE

10:47AM 1 EVIDENCE THAT YOU HEAR IN THIS COURTROOM?

10:47AM 2 PROSPECTIVE JUROR: I CAN DEFINITELY PUT ASIDE THE
10:47AM 3 PREVIOUS EVIDENCE OR PREVIOUS RECOUNT OF EVIDENCE, BUT LIKE I
10:47AM 4 MENTIONED, THE BIASES PART I'M UNSURE OF WHETHER I CAN PUT
10:47AM 5 THOSE ASIDE BECAUSE THEY'VE BEEN INGRAINED INTO ME AND POUNDED
10:47AM 6 INTO ME AT THIS POINT.

10:47AM 7 THE COURT: OKAY. POUNDED INTO YOU BY WHAT YOU'VE
10:47AM 8 READ?

10:47AM 9 PROSPECTIVE JUROR: SO I CAN PUT ASIDE WHAT I'VE
10:47AM 10 READ, BUT MY BIASES, I'M NOT SURE -- I CAN PUT ASIDE MY BIASES.

10:47AM 11 THE COURT: I SEE. YOU HAVE SOME PERSONAL BIASES.

10:48AM 12 OKAY. ALL RIGHT. THANK YOU. THANK YOU VERY MUCH.

10:48AM 13 LET'S TAKE A BREAK NOW. WE'LL TAKE ABOUT A SEVEN MINUTE
10:48AM 14 BREAK. PLEASE REMEMBER WHERE YOU'RE SEATED AND RETURN TO YOUR
10:48AM 15 SEATS, PLEASE, AND WE'LL TAKE A BRIEF BREAK.

10:50AM 16 (PROSPECTIVE JURY PANEL OUT AT 10:50 A.M.)

10:50AM 17 THE COURT: THE RECORD SHOULD REFLECT THAT OUR
10:50AM 18 PROSPECTIVE PANEL HAS LEFT THE COURTROOM. ALL COUNSEL ARE
10:50AM 19 PRESENT, AND THE DEFENDANT IS PRESENT.

10:50AM 20 COUNSEL, ANYTHING YOU WANT TO PUT ON THE RECORD BEFORE WE
10:50AM 21 TAKE OUR BREAK?

10:50AM 22 MR. SCHENK: NO, YOUR HONOR. THANK YOU.

10:50AM 23 THE COURT: ANYTHING?

10:50AM 24 MR. COOPERSMITH: THE ONLY THING, YOUR HONOR, IS
10:50AM 25 THAT I DO HAVE A CONCERN WITH SOME OF THE COMMENTS, AND NO

10:50AM 1 FAULT OF THE COURT'S, BUT BECAUSE PEOPLE DO HAVE STRONG
10:50AM 2 FEELINGS, SOME PEOPLE -- AND I KNOW YOUR HONOR IS DOING, YOU
10:50AM 3 KNOW, AS WELL AS YOU POSSIBLY CAN TO TRY TO STOP IT BEFORE IT
10:50AM 4 INFECTS THE ROOM, BUT THERE ARE COMMENTS THAT ARE BEING MADE
10:50AM 5 THAT I THINK ARE HIGHLY PREJUDICIAL TO MR. BALWANI ABOUT
10:50AM 6 PEOPLE'S BELIEFS ABOUT THE BLOOD TESTING TECHNOLOGY AND THAT
10:50AM 7 IT'S A FRAUD, AND THAT HAS ALREADY COME OUT.

10:50AM 8 I THINK IT'S GOING TO BE DIFFICULT TO CONTINUE TO POLICE
10:50AM 9 THAT, ALTHOUGH I KNOW YOUR HONOR IS WELL AWARE AND COGNIZANT OF
10:50AM 10 THAT.

10:50AM 11 THE COURT: OKAY. THANK YOU.

10:50AM 12 ANYTHING ELSE?

10:51AM 13 OKAY. LET'S TAKE A BRIEF BREAK.

10:51AM 14 (RECESS FROM 10:51 A.M. UNTIL 11:08 A.M.)

11:08AM 15 (PROSPECTIVE JURY PANEL IN AT 11:08 A.M.)

11:08AM 16 THE COURT: DO WE HAVE EVERYONE?

11:09AM 17 THE CLERK: I BELIEVE SO, YOUR HONOR.

11:09AM 18 WE ARE BACK ON THE RECORD. EVERYONE PREVIOUSLY PRESENT IS
11:09AM 19 PRESENT ONCE AGAIN.

11:09AM 20 OUR PROSPECTIVE PANEL IS PRESENT.

11:09AM 21 LET'S CONTINUE. THE QUESTION TO THE PROSPECTIVE PANEL WAS
11:09AM 22 HAD ANYONE READ OR HEARD OF ANY NEWS COVERAGE IN THIS CASE?

11:09AM 23 WE'VE TALKED WITH JURORS HERE. IF THOSE WHO I HAVE NOT
11:09AM 24 TALKED WITH YET, IF YOU COULD RAISE YOUR HANDS AGAIN, PLEASE.

11:09AM 25 OKAY. WE'LL GET A MICROPHONE DOWN TO YOU.

11:09AM 1 IF YOU COULD IDENTIFY YOUR JUROR NUMBER, THAT WOULD BE
11:09AM 2 HELPFUL.

11:09AM 3 PROSPECTIVE JUROR: 50.

11:09AM 4 THE COURT: 5-0. YES. THANK YOU.

11:09AM 5 AND YOU HAVE READ OR HEARD NEWS COVERAGE OF THIS CASE?

11:09AM 6 PROSPECTIVE JUROR: OF THIS CASE AND THE PREVIOUS
11:09AM 7 ONE AS WELL.

11:09AM 8 THE COURT: ALL RIGHT. AND YOU'VE READ THIS ON THE
11:09AM 9 NEWS, NEWSPAPERS, THOSE TYPES OF THINGS?

11:09AM 10 PROSPECTIVE JUROR: I FOLLOW THE NEWS ABOUT IT.

11:09AM 11 THE COURT: OKAY. WITHOUT TELLING ME EXACTLY WHAT
11:10AM 12 IT IS YOU'VE HEARD AND WHAT IT IS THAT YOU'VE READ, LET ME JUST
11:10AM 13 ASK YOU, WILL YOU BE ABLE TO PUT ASIDE ANYTHING THAT YOU'VE
11:10AM 14 HEARD, READ, OR LISTENED TO IF YOU'RE SEATED AS A JUROR IN THIS
11:10AM 15 CASE AND DECIDE THIS CASE ONLY ON THE EVIDENCE THAT YOU HEAR IN
11:10AM 16 THIS COURTROOM?

11:10AM 17 WILL YOU BE ABLE TO DO THAT, JUROR NUMBER 50.

11:10AM 18 PROSPECTIVE JUROR: I WOULD HOPE SO.

11:10AM 19 THE COURT: OKAY. DO YOU THINK YOU WOULD HAVE ANY
11:10AM 20 DIFFICULTY IN ACCOMPLISHING THAT?

11:10AM 21 PROSPECTIVE JUROR: I'M NOT SURE. I HAVE -- I KNEW
11:10AM 22 ABOUT THE COMPANY SEVERAL YEARS AGO AS WELL, SO I HAVE SOME
11:10AM 23 UNDERSTANDING OF THE SCIENCE. I DON'T KNOW IF IT WILL AFFECT
11:10AM 24 ME IN ANY WAY.

11:10AM 25 THE COURT: RIGHT.

11:10AM 1 PROSPECTIVE JUROR: I EVEN CONSIDERED APPLYING TO
11:10AM 2 THE COMPANY A FEW YEARS AGO, SO I'VE BEEN ON THE WEBSITE.

11:10AM 3 THE COURT: ALL RIGHT. AND WHAT YOU HEARD ME -- I
11:10AM 4 SPENT SEVERAL MINUTES TALKING ABOUT A JUROR'S RESPONSIBILITY
11:10AM 5 AND THE EVIDENCE BEING, IN THIS CASE ONLY, THE JUROR'S DECIDING
11:11AM 6 THIS CASE ONLY ON WHAT THEY'VE HEARD.

11:11AM 7 AND I SEE THERE'S A NUMBER OF HANDS. WE'RE GOING TO TALK
11:11AM 8 TO YOUR COLLEAGUES IN JUST A MOMENT ABOUT THEIR KNOWLEDGE OF
11:11AM 9 THIS CASE AND OTHER CASES BASED ON MEDIA, WHATEVER IT IS.

11:11AM 10 BUT THE QUESTION FOR ALL OF YOU, THOSE WHO HAVE HAD THIS
11:11AM 11 EXPERIENCE IS, CAN YOU PUT THAT ASIDE, WHATEVER IT IS THAT
11:11AM 12 YOU'VE HEARD, AND WHATEVER IT IS THAT YOU'VE READ OR SEEN, WILL
11:11AM 13 YOU BE ABLE TO PUT THAT ASIDE AS A JUROR IN THIS CASE AND CAN
11:11AM 14 YOU PROMISE ME AND THESE LAWYERS THAT YOU WILL MAKE A DECISION
11:11AM 15 IN THIS CASE IF YOU'RE SEATED AS A JUROR ONLY ON WHAT YOU HEAR
11:11AM 16 AND SEE IN THIS COURTROOM AND NOT -- EXCLUDING EVERYTHING ELSE
11:11AM 17 THAT YOU MAY HAVE BEEN EXPOSED TO OUTSIDE OF THIS COURTROOM?

11:11AM 18 THAT'S REALLY THE QUESTION.

11:12AM 19 ANYTHING ELSE YOU WOULD LIKE ME TO KNOW IN RESPONSE TO
11:12AM 20 THAT QUESTION, JUROR NUMBER 50.

11:12AM 21 PROSPECTIVE JUROR: YOUR SECOND QUESTION ABOUT
11:12AM 22 WHETHER I COULD BE IMPARTIAL.

11:12AM 23 THE COURT: IF YOU COULD USE THE MICROPHONE.

11:12AM 24 PROSPECTIVE JUROR: SORRY. YOUR SECOND QUESTION
11:12AM 25 ABOUT THE IMPARTIALITY.

11:12AM 1 THE COURT: YES.

11:12AM 2 PROSPECTIVE JUROR: YES, I WOULD HOPE THAT WOULD BE
11:12AM 3 THE CASE.

11:12AM 4 THE COURT: OKAY.

11:12AM 5 PROSPECTIVE JUROR: IF YOUR QUESTION IS DO I HAVE
11:12AM 6 ANY KNOWLEDGE OR HAVE I SPOKEN TO PEOPLE ABOUT THE CASE, AGAIN,
11:12AM 7 I KNOW PEOPLE IN THE BIOMEDICAL DEVICE INDUSTRY AND STUFF LIKE
11:12AM 8 THAT. SO WE HAVE SPOKEN A BIT, BUT THAT'S ASIDE FROM ME
11:12AM 9 SAYING THAT --

11:12AM 10 THE COURT: RIGHT. AND AGAIN, THE QUESTION WAS
11:12AM 11 ABOUT NEWS COVERAGE AND HEARD OF ANY NEWS COVERAGE IN THE CASE.
11:12AM 12 BUT PERHAPS I SHOULD EXPAND THOSE TO SAY THERE MAY BE A
11:12AM 13 CONVERSATIONS THAT INDIVIDUALS HAVE WITH FAMILY, FRIENDS,
11:12AM 14 COLLEAGUES.

11:12AM 15 PROSPECTIVE JUROR: UH-HUH.

11:12AM 16 THE COURT: AND THOSE MIGHT INFLUENCE. I DON'T MEAN
11:12AM 17 TO EXCLUDE THOSE, BUT THOSE MIGHT INFLUENCE.

11:12AM 18 AND TO THE SAME QUESTION, AND LET ME ADD THOSE TO THE SAME
11:12AM 19 QUESTION. CAN YOU PUT ASIDE ALL OF WHAT YOUR KNOWLEDGE IS
11:13AM 20 ABOUT NEWS COVERAGE AS WELL AS CONVERSATIONS WITH OTHERS AND
11:13AM 21 PERSONAL RESEARCH THAT YOU MAY HAVE DONE? IS THAT SOMETHING
11:13AM 22 THAT YOU COULD DO IN THIS CASE AS A SEATED JUROR?

11:13AM 23 PROSPECTIVE JUROR: I THINK SO.

11:13AM 24 THE COURT: OKAY. AND I UNDERSTAND THAT'S A
11:13AM 25 CHALLENGE, BECAUSE LIKE I SAID, I THINK I MENTIONED TO JUROR

11:13AM 1 NUMBER 34, YOU KNOW, I'M ASKING YOU TO FORGET ABOUT THE
11:13AM 2 MULTIPLICATION TABLE AND HOW DO YOU DO THAT? HOW DO YOU PUT
11:13AM 3 THAT OUT OF YOUR MIND?

11:13AM 4 BUT LET ME TELL YOU, WE'VE HAD JURY TRIALS EVERY MONTH AND
11:13AM 5 GOOD MEMBERS OF OUR COMMUNITY LIKE YOURSELF ARE ABLE TO DO
11:13AM 6 THAT. IT'S A CHALLENGE, BUT THEY'RE ABLE TO ACCOMPLISH THAT.

11:13AM 7 ONCE WE, WE DESCRIBE WHAT IT IS ONE HAS TO DO THE TASK
11:13AM 8 THAT IS INVOLVED, MANY MEMBERS OF THE COMMUNITY NEVER HAD JURY
11:13AM 9 SERVICE BEFORE DON'T UNDERSTAND THAT CONCEPT, BUT WHEN THEY
11:13AM 10 COME IN, THEY'RE ABLE TO APPLY, TO FOLLOW THE ORDERS OF THE
11:14AM 11 COURT, FOLLOW THE LAW, AND THEY'RE ABLE TO DO THAT, AND THAT'S
11:14AM 12 WHY I ASKED THIS QUESTION. THAT'S WHY THIS QUESTION IS ASKED.

11:14AM 13 IT ALSO MEANS, AS YOU HEARD ME, JUROR NUMBER 50, THAT YOU
11:14AM 14 WOULD BE ORDERED TO REFRAIN FROM READING ANYTHING OR KNOWING
11:14AM 15 ANYTHING, LEARNING ANYTHING, DOING ANY ADDITIONAL RESEARCH, OR
11:14AM 16 WHEN YOUR FRIENDS SAY -- THEY MIGHT SAY, OH, YOU'RE A JUROR IN
11:14AM 17 THAT CASE? TELL ME ABOUT IT. WHAT IS GOING ON? WHAT DID THEY
11:14AM 18 SAY?

11:14AM 19 AND YOU NEED TO TELL THEM, YOU KNOW, IF YOU COME DOWN TO
11:14AM 20 THIS NICE JUDGE'S COURTROOM, YOU CAN LISTEN TO IT YOURSELF
11:14AM 21 BECAUSE I CAN'T TALK ABOUT IT.

11:14AM 22 OKAY. THANK YOU FOR LETTING ME USE YOU AS A TALKING
11:14AM 23 POINT. I APPRECIATE IT.

11:14AM 24 WHO ELSE HAD A HAND UP?

11:14AM 25 YES, SIR. WHAT NUMBER ARE YOU?

11:14AM 1 PROSPECTIVE JUROR: I'M JUROR NUMBER 49.

11:14AM 2 THE COURT: 49. YES. THANK YOU.

11:14AM 3 THE QUESTION WAS WHETHER OR NOT YOU'VE HEARD OR READ OR
11:14AM 4 HEARD OF ANY NEWS COVERAGE IN THE CASE?

11:14AM 5 PROSPECTIVE JUROR: YES, I'VE HEARD ABOUT THIS CASE.

11:15AM 6 THE COURT: OKAY.

11:15AM 7 PROSPECTIVE JUROR: THE SPECIFIC -- OH, AND ABOUT
11:15AM 8 THE ELIZABETH HOLMES CASE PRIOR TO THIS.

11:15AM 9 THE COURT: I'M NOT GOING TO ASK YOU TO DESCRIBE
11:15AM 10 WHAT YOU'VE HEARD OR WHAT YOU KNOW, BUT WHAT MY QUESTION IS --
11:15AM 11 WELL, LET ME ASK IT IN THIS WAY, WERE YOU A FOLLOWER OF THE
11:15AM 12 NEWS? DID YOU FOLLOW THE CASE IN ANY WAY? CAN I DESCRIBE IT
11:15AM 13 THAT WAY?

11:15AM 14 PROSPECTIVE JUROR: YES, I DID.

11:15AM 15 THE COURT: OKAY.

11:15AM 16 PROSPECTIVE JUROR: BECAUSE OF A LONG HISTORY THAT
11:15AM 17 MY FAMILY HAS HAD WITH CHRONIC ILLNESSES.

11:15AM 18 THE COURT: I SEE.

11:15AM 19 PROSPECTIVE JUROR: SO I'M VERY AWARE OF JUST THE
11:15AM 20 MEDICAL PRACTICES IN GENERAL.

11:15AM 21 THE COURT: OKAY. SO TELL ME ABOUT -- YOU HEARD MY
11:15AM 22 QUESTIONS TO YOUR SEAT MATE THERE, JUROR NUMBER 50.

11:15AM 23 WHAT WOULD BE YOUR RESPONSE TO THE QUESTION, THE QUESTION
11:15AM 24 BEING CAN YOU PUT ASIDE ANYTHING YOU'VE HEARD, READ, OR SEEN
11:15AM 25 AND DECIDE THIS CASE AS A JUROR ONLY ON THE EVIDENCE THAT YOU

11:15AM 1 HEAR IN THIS COURTROOM? WILL YOU BE ABLE TO DO THAT?

11:15AM 2 PROSPECTIVE JUROR: TO BE BRUTALLY HONEST, I DON'T
11:15AM 3 BELIEVE SO.

11:15AM 4 THE COURT: OKAY.

11:16AM 5 PROSPECTIVE JUROR: I HAVE HAD JUST WITH PERSONALLY
11:16AM 6 AND A LOT OF MY FAMILY MEMBERS, LIKE I'VE SAID BEFORE, I'VE HAD
11:16AM 7 LIKE A LONG HISTORY OF CHRONIC ILLNESS PERSONALLY.

11:16AM 8 THE COURT: AND YOU THINK THAT -- PARDON ME FOR
11:16AM 9 INTERRUPTING YOU.

11:16AM 10 PROSPECTIVE JUROR: YES.

11:16AM 11 THE COURT: YOU THINK BECAUSE OF YOUR PERSONAL
11:16AM 12 CIRCUMSTANCES THAT IN SOME WAY -- I DON'T WANT TO PUT WORDS IN
11:16AM 13 YOUR MOUTH, BUT YOU THINK THAT YOUR EXPERIENCES WILL, WILL --
11:16AM 14 THE BALANCE OF YOUR EXPERIENCES WILL CAUSE YOU TO NOT BE ABLE
11:16AM 15 TO BE -- TO PUT EVERYTHING ASIDE THAT YOU'VE HEARD?

11:16AM 16 PROSPECTIVE JUROR: YEAH, I BELIEVE SO.

11:16AM 17 I MEAN, I WAS DIAGNOSED WITH TYPE 1 DIABETES AT 12 YEARS
11:16AM 18 OLD SO I'M NOT --

11:16AM 19 THE COURT: OH, I'M NOT GOING TO ASK YOU TO GET INTO
11:16AM 20 YOUR PERSONAL SITUATION. I APPRECIATE YOUR OFFER TO DO SO, BUT
11:16AM 21 THAT'S NOT NECESSARY.

11:16AM 22 PROSPECTIVE JUROR: YEAH.

11:16AM 23 THE COURT: WHAT YOU'RE SAYING IS THAT -- WHAT I
11:16AM 24 HEAR YOU SAYING IS, JUDGE, I'VE GOT SOME PERSONAL EXPERIENCES
11:16AM 25 THAT MIGHT BE A CHALLENGE FOR ME TO DO THAT. THIS MIGHT NOT BE

11:16AM 1 THE RIGHT CASE FOR ME.

11:16AM 2 PROSPECTIVE JUROR: YEAH.

11:16AM 3 THE COURT: YOU SHOULD SEND ME DOWN THE HALL WHERE
11:17AM 4 THERE'S A NINE MONTH CASE THAT IS GOING TO START, AND I'LL
11:17AM 5 PROBABLY BE A BETTER JUROR IN THAT CASE.

11:17AM 6 PROSPECTIVE JUROR: YEAH, PROBABLY.

11:17AM 7 (LAUGHTER.)

11:17AM 8 THE COURT: IS THAT WHAT I HEAR YOU SAYING, SIR?

11:17AM 9 PROSPECTIVE JUROR: YEAH. BUT ASIDE FROM THAT --

11:17AM 10 THE COURT: OKAY.

11:17AM 11 PROSPECTIVE JUROR: -- I'VE JUST HAVE HAD MULTIPLE
11:17AM 12 APPOINTMENTS WITH MEDICAL PROFESSIONALS THAT HAVE FOOLED ME
11:17AM 13 MULTIPLE TIMES, SO I THINK THOSE BIASES SPECIFICALLY WITH THIS
11:17AM 14 CASE HAS SOLIDIFIED THOSE BIASES.

11:17AM 15 THE COURT: ALL RIGHT. THANK YOU, SIR.

11:17AM 16 WHO ELSE HAD THEIR HAND UP?

11:17AM 17 PROSPECTIVE JUROR: I'M JUROR 48.

11:17AM 18 THE COURT: YES, SIR.

11:17AM 19 PROSPECTIVE JUROR: I JUST HEARD ABOUT IT IN THE
11:17AM 20 LOCAL NEWS HEADLINES.

11:17AM 21 THE COURT: ALL RIGHT. ANYTHING ABOUT WHAT YOU'VE
11:17AM 22 SEEN IN THOSE LOCAL NEWS HEADLINES THAT YOU THINK WILL IMPAIR,
11:17AM 23 WILL AFFECT YOUR ABILITY TO BE FAIR AND IMPARTIAL TO BOTH SIDES
11:17AM 24 IN THIS CASE?

11:17AM 25 PROSPECTIVE JUROR: NO.

11:17AM 1 THE COURT: NOT AT ALL.

11:17AM 2 PROSPECTIVE JUROR: NOT AT ALL.

11:17AM 3 THE COURT: OKAY. THANKS VERY MUCH FOR SHARING

11:17AM 4 THAT.

11:17AM 5 AND --

11:17AM 6 PROSPECTIVE JUROR: 47.

11:17AM 7 THE COURT: -- 47. THANK YOU.

11:17AM 8 PROSPECTIVE JUROR: AND I FOLLOWED THE NEWS AS

11:17AM 9 EVERYBODY ELSE HAS, AND THE ONLY SIGNIFICANT THING THAT I WON'T

11:18AM 10 BE ABLE TO FORGET IS --

11:18AM 11 THE COURT: WELL, LET ME ASK YOU -- I'M NOT GOING TO

11:18AM 12 ASK YOU TO CALL OUT SPECIFICS HERE.

11:18AM 13 PROSPECTIVE JUROR: I THINK IT'S IMPORTANT.

11:18AM 14 THE COURT: OKAY. WELL, I APPRECIATE -- I RESPECT

11:18AM 15 YOUR OPINION, BUT LET ME ASK IT IN A DIFFERENT WAY.

11:18AM 16 IS THIS SOMETHING ABOUT THE OTHER CASES OR OTHER THINGS?

11:18AM 17 PROSPECTIVE JUROR: YES.

11:18AM 18 THE COURT: OR OTHER THINGS THAT YOU'VE HEARD?

11:18AM 19 PROSPECTIVE JUROR: RIGHT.

11:18AM 20 THE COURT: WHICH AFFECTS YOUR ABILITY?

11:18AM 21 PROSPECTIVE JUROR: YES. WHICH I KNOW IT'S NOT

11:18AM 22 TESTIMONY IN THIS CASE, AND I WILL DISREGARD IT, BUT I WON'T

11:18AM 23 FORGET IT.

11:18AM 24 THE COURT: OKAY. WHAT IS THE DISTINCTION BETWEEN

11:18AM 25 THOSE TWO?

11:18AM 1 WHAT I'M SAYING IS THAT IF YOU'RE SEATED AS A JUROR IN
11:18AM 2 THIS CASE, WILL YOU BE ABLE TO PUT THAT ASIDE, PUT THAT ON A
11:18AM 3 SHELF AND NOT LET IT AFFECT YOUR JUDGMENT, YOUR OPINION, AND
11:18AM 4 YOUR DECISION IN ANY THAT?

11:18AM 5 PROSPECTIVE JUROR: YES.

11:18AM 6 THE COURT: OKAY. ANY QUALMS ABOUT THAT?

11:19AM 7 PROSPECTIVE JUROR: NO.

11:19AM 8 THE COURT: YOU'LL BE ABLE TO DO THAT?

11:19AM 9 PROSPECTIVE JUROR: UH-HUH.

11:19AM 10 THE COURT: IS THAT YES?

11:19AM 11 PROSPECTIVE JUROR: YES.

11:19AM 12 THE COURT: OKAY. ALL RIGHT.

11:19AM 13 PROSPECTIVE JUROR: THIS IS JUROR NUMBER 45.

11:19AM 14 THE COURT: GIVE ME JUST A SECOND, JUROR NUMBER 45,
11:19AM 15 I'M WRITING A NOTE DOWN.

11:19AM 16 (PAUSE IN PROCEEDINGS.)

11:19AM 17 THE COURT: THANK YOU. YES.

11:19AM 18 PROSPECTIVE JUROR: SO I HAVE NOT HEARD OF THIS
11:19AM 19 CASE, BUT I'VE HEARD OF THE PREVIOUS CASE WITH
11:19AM 20 ELIZABETH HOLMES, AND I HAVE LISTENED TO A FAIR AMOUNT OF NEWS
11:19AM 21 AND COMMENTARY ABOUT IT A FEW YEARS AGO.

11:19AM 22 THE COURT: OKAY.

11:19AM 23 PROSPECTIVE JUROR: SO THAT WAS THE BREADTH OF MY
11:19AM 24 EXPERIENCE WITH THIS CASE.

11:19AM 25 THE COURT: THANK YOU.

11:19AM 1 IS THERE ANYTHING ABOUT -- WELL, LET ME ASK IT THIS WAY,
11:20AM 2 CAN YOU PUT ASIDE ANYTHING THAT YOU'VE HEARD, LISTENED TO, OR
11:20AM 3 FOLLOWED IF YOU'RE SEATED AS A JUROR IN THIS CASE? AND WILL
11:20AM 4 YOU BE ABLE TO DECIDE AS A JUROR THIS CASE ONLY ON THE EVIDENCE
11:20AM 5 IN THIS CASE AND PUTTING ASIDE EVERYTHING THAT YOU'VE OTHERWISE
11:20AM 6 BEEN EXPOSED TO? CAN YOU DO THAT?

11:20AM 7 PROSPECTIVE JUROR: SO TO BE PERFECTLY HONEST, I AM
11:20AM 8 VERY SKEPTICAL OF SILICON VALLEY ENTREPRENEURSHIP AND STARTUP
11:20AM 9 CULTURES. AND I GENERALLY FIND IT, TO BE PERFECTLY HONEST,
11:20AM 10 FUNNY WHEN THEY FAIL, BUT I'M CALLED TO THIS COURT TO BE A
11:20AM 11 VESSEL OF JUSTICE, AND IN THIS CASE I'M CALLED UPON TO LOOK
11:20AM 12 UPON THE EVIDENCE AND NOT MY PERSONAL FEELINGS.

11:20AM 13 SO I THINK I CAN ACT AS AN IMPARTIAL JUROR OR JUDGE -- OR
11:20AM 14 NOT JUDGE, THAT'S YOUR JOB -- JUROR ON THIS CASE BECAUSE IN MY
11:20AM 15 PROFESSIONAL CAREER I'M ALSO CALLED ON TO COMPARTMENTALIZE MY
11:21AM 16 OPINIONS, AND I'D LIKE TO THINK I'M VERY GOOD AT IT.

11:21AM 17 THE COURT: LET ME CORRECT YOU, YOU ARE A JUDGE IN
11:21AM 18 THIS CASE. IF YOU ARE SELECTED, YOU ARE A JUDGE.

11:21AM 19 PROSPECTIVE JUROR: MAY I HAVE YOUR PAY SCALE?

11:21AM 20 THE COURT: I'M A PUBLIC EMPLOYEE, YOU MAY NOT WANT
11:21AM 21 IT.

11:21AM 22 (LAUGHTER.)

11:21AM 23 THE COURT: BUT LET ME TELL YOU, SIR, YOU WILL BE
11:21AM 24 THE JUDGE. YOU WILL BE THE JUDGE OF THE FACTS. YOU WILL BE
11:21AM 25 1 OF 12 JUDGES WHO DECIDE. THAT IS WHAT JURORS GET TO DO.

11:21AM 1 YOU GET TO DECIDE WHAT FACTS, WHAT HAPPENED. THAT'S THE
11:21AM 2 JOB OF A JUROR. ONE OF THE JOBS OF A JUROR IS TO DECIDE THE
11:21AM 3 FACTS. SO YOU DO GET TO JUDGE THE FACTS.

11:21AM 4 I DON'T TELL YOU, I DON'T TELL WHAT THE FACTS ARE. YOU,
11:21AM 5 THE JURY, DECIDES WHAT THE FACTS ARE.

11:21AM 6 I TELL YOU WHAT THE LAW IS. AND AS A JUROR YOU MUST APPLY
11:21AM 7 THE LAW AS I GIVE IT TO YOU TO THE FACTS AS YOU AND YOUR
11:21AM 8 COLLEAGUES FIND THEM AND YOU REACH THAT DECISION BY A
11:22AM 9 COLLABORATIVE DISCUSSION OF THE EVIDENCE AND THE LAW AT THE
11:22AM 10 CONCLUSION OF THE CASE.

11:22AM 11 THAT'S HOW IT WORKS. THAT'S HOW THAT WORKS.

11:22AM 12 SO YOU COME TO FEDERAL COURT, YOU CAN TELL YOUR FRIENDS,
11:22AM 13 YOU KNOW WHAT, I GET TO BE A JUDGE THERE, A JUDGE OF THE FACTS.
11:22AM 14 THAT'S REALLY WHAT IT IS.

11:22AM 15 AND I APPRECIATE YOUR COMMENTS AND OBSERVATIONS. WHAT
11:22AM 16 YOU'VE TOLD ME, AND WHAT I HEARD I SHOULD SAY, IS THAT YOU
11:22AM 17 MIGHT HAVE SOME PREEXISTING OPINIONS NOT NECESSARILY RELATED TO
11:22AM 18 THIS SPECIFIC CASE, BUT TO AN INDUSTRY, INDUSTRY WIDE AND SOME
11:22AM 19 COMMENTS AND BELIEFS AND THOUGHTS ABOUT THAT, BUT, BUT AS A
11:22AM 20 TRAINED PROFESSIONAL, YOU, YOU WILL BE ABLE TO -- YOU HAVE THE
11:22AM 21 FORTITUDE AND ABILITY TO PUT THAT ASIDE AND DECIDE THIS CASE
11:22AM 22 ONLY ON THE EVIDENCE THAT YOU HEAR IN THIS COURTROOM AND DECIDE
11:22AM 23 IT ON THE FACTS AS YOU FIND THEM APPLYING THE LAW AS I GIVE IT
11:22AM 24 TO YOU.

11:22AM 25 THAT'S SOMETHING THAT YOU COULD DO, SIR?

11:23AM 1 PROSPECTIVE JUROR: INDEED, SIR.

11:23AM 2 THE COURT: ALL RIGHT. THANK YOU VERY MUCH. THANK
11:23AM 3 YOU.

11:23AM 4 WHOSE NEXT? MAYBE BEHIND YOU. IF YOU COULD PASS IT BACK
11:23AM 5 TO SOMEONE.

11:23AM 6 PROSPECTIVE JUROR: HI. 80.

11:23AM 7 THE COURT: 80. THANK YOU, SIR.

11:23AM 8 PROSPECTIVE JUROR: I HEARD THE NEWS, BUT I DON'T
11:23AM 9 PAY MUCH ATTENTION, BUT I DO KNOW THE VERDICT BECAUSE I WORKED
11:23AM 10 FOR A STARTUP COMPANY BEFORE.

11:23AM 11 THE COURT: YES.

11:23AM 12 PROSPECTIVE JUROR: I WAS A STARTUP INVESTOR, AND I
11:23AM 13 DO STOCK TRADING.

11:23AM 14 THE COURT: YOU DO SOME STOCK TRADING AS AN
11:23AM 15 INVESTOR?

11:23AM 16 PROSPECTIVE JUROR: BUT NOT THIS COMPANY, RIGHT.

11:23AM 17 THE COURT: RIGHT.

11:23AM 18 PROSPECTIVE JUROR: I THINK THIS IS A VERY IMPORTANT
11:23AM 19 CASE. SO I WILL BE VERY FAIR, AND I WILL BASE MY VERDICT ON
11:23AM 20 THE EVIDENCE AND THE LAW.

11:24AM 21 THE COURT: ALL RIGHT. THANK YOU, SIR. I
11:24AM 22 APPRECIATE THAT. THANK YOU.

11:24AM 23 WERE THERE OTHER HANDS IN THE BACK? YES. IF WE COULD
11:24AM 24 PASS THAT. THANK YOU.

11:24AM 25 PROSPECTIVE JUROR: 69.

11:24AM 1 THE COURT: YES. THANK YOU.

11:24AM 2 PROSPECTIVE JUROR: SO I STARTED WATCHING THE
11:24AM 3 DOCUMENTARY "OUT FOR BLOOD" A FEW TIMES AND ACTUALLY VERY
11:24AM 4 INTERESTED.

11:24AM 5 THE COURT: AND HOW LONG AGO WAS IT THAT YOU WATCHED
11:24AM 6 THAT.

11:24AM 7 PROSPECTIVE JUROR: SO SEVERAL TIMES. AS RECENTLY
11:24AM 8 LIKE -- AS, LIKE, FIVE MONTHS AGO OR SO.

11:24AM 9 THE COURT: OKAY.

11:24AM 10 PROSPECTIVE JUROR: AND THEN I'VE BEEN ALSO
11:24AM 11 FOLLOWING THE CASE. THE DOCUMENTARY WAS A VERY DETAILED
11:24AM 12 ACCOUNT.

11:24AM 13 THE COURT: OKAY. SO LET ME ASK YOU, SIR, BASED ON
11:24AM 14 WHAT YOU'VE SEEN AND WHAT YOU'VE FOLLOWED, THE CASE, IS THERE
11:24AM 15 ANYTHING ABOUT THAT THAT YOU THINK WILL AFFECT YOUR ABILITY TO
11:25AM 16 BE FAIR TO BOTH SIDES IN THIS CASE?

11:25AM 17 PROSPECTIVE JUROR: YEAH. I'M CONCERNED I MIGHT BE
11:25AM 18 INFLUENCED.

11:25AM 19 THE COURT: OKAY. CAN YOU, CAN YOU -- MY QUESTION
11:25AM 20 WAS, CAN YOU PUT THAT ASIDE, CAN YOU PUT THAT ASIDE AND DECIDE
11:25AM 21 THIS CASE ONLY ON THE EVIDENCE THAT YOU HEAR IN THIS COURTROOM?
11:25AM 22 WILL YOU BE ABLE TO DO THAT?

11:25AM 23 PROSPECTIVE JUROR: I'LL DO MY BEST. THIS IS THE
11:25AM 24 FIRST TIME THAT I'VE BEEN ON THE JURY, AND I DON'T KNOW HOW I
11:25AM 25 COULD BE ABLE TO DO THAT.

11:25AM 1 THE COURT: I SEE. YES. YES.

11:25AM 2 WELL, IT'S YOUR FIRST EXPERIENCE AS A JUROR, AND I
11:25AM 3 UNDERSTAND YOU PROBABLY HAVE MANY QUESTIONS, AND I'M TRYING TO
11:25AM 4 ANSWER THOSE AS BEST I CAN.

11:25AM 5 BUT THE MOST IMPORTANT THING FOR A JURY'S DUTY IS, AS I'VE
11:25AM 6 SAID THROUGHOUT THE MORNING, IS TO DECIDE THIS CASE ONLY, ONLY
11:25AM 7 ON THE EVIDENCE HERE IN THE COURTROOM AND NOT ON ANYTHING ELSE
11:25AM 8 THAT YOU BRING TO THE COURTROOM BASED ON WHAT YOU HEARD, WHAT
11:26AM 9 YOU SAW, WHAT YOU MAY HAVE DONE RESEARCH ON, ANY OF THAT.

11:26AM 10 THAT'S VERY IMPORTANT TO BOTH SIDES HERE, TO BE FAIR TO
11:26AM 11 BOTH SIDES BECAUSE JURORS ARE GOING TO DECIDE THE FACTS BASED
11:26AM 12 ON WHAT THEY HEAR IN THIS COURTROOM, AND IT MAY NOT BE ANYTHING
11:26AM 13 THAT YOU'VE READ OR SEEN. IT MIGHT BE VERY DIFFERENT FROM
11:26AM 14 THAT.

11:26AM 15 YOU SEE, IT WOULD BE UNFAIR TO MAKE A DECISION ON
11:26AM 16 SOMETHING THAT THESE LAWYERS OR I HAVE NOT HAD A CHANCE TO LOOK
11:26AM 17 AT OR COMMENT ON. DO YOU SEE?

11:26AM 18 DO YOU UNDERSTAND THAT CONCEPT?

11:26AM 19 PROSPECTIVE JUROR: I DO.

11:26AM 20 THE COURT: GREAT.

11:26AM 21 SO WHAT DO YOU THINK, SIR? DO YOU THINK THAT YOU COULD
11:26AM 22 PUT ASIDE EVERYTHING ELSE THAT YOU HAVE KNOWN, BEEN EXPOSED TO,
11:26AM 23 AND DECIDE THIS CASE ONLY ON THE EVIDENCE HERE? CAN YOU DO
11:26AM 24 THAT?

11:26AM 25 PROSPECTIVE JUROR: I'M GOING TO TRY TO DO THAT,

11:26AM 1 YES.

11:26AM 2 THE COURT: OKAY. LET ME -- I'M SORRY, YOU HEARD

11:27AM 3 ME, I APOLOGIZE FOR THIS. YOU HEARD ME SAY I COULD RUN A FOUR

11:27AM 4 MINUTE MILE, AND I KNOW I WOULD FAIL MISERABLY IF I TRIED THAT.

11:27AM 5 WHAT DO YOU THINK ABOUT YOUR EFFORTS TO TRY TO PUT THAT

11:27AM 6 ASIDE? DO YOU THINK YOU WOULD BE ABLE TO DO IT OR DO YOU THINK

11:27AM 7 THAT'S AN IMPOSSIBILITY?

11:27AM 8 PROSPECTIVE JUROR: I THINK I WILL BE ABLE TO DO IT.

11:27AM 9 THE COURT: OKAY. ANY DOUBT ABOUT THAT?

11:27AM 10 PROSPECTIVE JUROR: YES.

11:27AM 11 THE COURT: YOU HAVE SOME DOUBT ABOUT IT OR NO DOUBT

11:27AM 12 ABOUT IT?

11:27AM 13 PROSPECTIVE JUROR: SOME DOUBT ABOUT IT, BUT I THINK

11:27AM 14 I WILL BE ABLE TO.

11:27AM 15 THE COURT: UH-HUH. ALL RIGHT. THANK YOU.

11:27AM 16 ANYONE ELSE? YES.

11:27AM 17 PROSPECTIVE JUROR: JUROR 72 HERE.

11:27AM 18 MY EXPOSURE TO THIS CASE IS PRIMARILY SOCIAL MEDIA, AND

11:27AM 19 I'VE HEARD FAMILY AND FRIENDS TALK ABOUT SOME OF THE

11:27AM 20 DOCUMENTARY AND BEING DROPPED AND RECOMMENDATIONS TO SEE IT,

11:27AM 21 AND I HAVE NOT.

11:27AM 22 MY ONLY QUESTION FOR YOU, YOUR HONOR, IS OPINIONS, HOW IT

11:27AM 23 IMPACTS BEING AN IMPARTIAL JUROR. I HAVE A STRONG MEDICAL

11:28AM 24 PROFESSION AND MYSELF AND FAMILY MEMBERS HAVING GONE THROUGH,

11:28AM 25 YOU KNOW, VARIOUS ILLNESSES AND THINGS, I DO FEEL A SENSE OF

11:28AM 1 BETRAYAL IF THINGS ARE MISUSED.

11:28AM 2 SO MY QUESTION IS THAT -- I DO BRING THAT OPINION.

11:28AM 3 THE COURT: YES. THANK YOU.

11:28AM 4 PROSPECTIVE JUROR: AND SO IF I DO BELIEVE IN AN
11:28AM 5 OPINION, ADVOCACY ON THAT SIDE, IT MIGHT POTENTIALLY HAVE ME
11:28AM 6 SIDING WITH ONE VERSUS THE OTHER AND TALKING ABOUT FAIRNESS.
11:28AM 7 SO THAT BIAS IS ALREADY PRESENT.

11:28AM 8 THE COURT: OKAY. THANK YOU. I APPRECIATE IT.
11:28AM 9 THANK YOU FOR YOUR CANDOR.

11:28AM 10 OF COURSE YOU KNOW WHAT MY FOLLOW-UP QUESTION WILL BE.
11:28AM 11 WILL YOU BE ABLE TO PUT ASIDE ANY BIAS OR PRECONCEIVED
11:28AM 12 IDEAS THAT YOU MAY HAVE AND TO SIT AS A FAIR AND IMPARTIAL
11:28AM 13 JUROR IN THIS CASE? CAN YOU DO THAT?

11:28AM 14 PROSPECTIVE JUROR: IF THAT IS BEING ASKED OF ME,
11:28AM 15 YES. I WILL DEFINITELY DO MY BEST. BUT I DID WANT TO MENTION
11:28AM 16 THAT I DO BRING STRONG OPINIONS.

11:28AM 17 THE COURT: YES. THANK YOU. I APPRECIATE THAT.

11:29AM 18 AND WE DON'T ASK -- WE KNOW IN HUMAN -- WE'RE ALL HUMANS
11:29AM 19 AND WE ALL HAVE BIASES. I'M GOING TO TALK ABOUT THOSE IN JUST
11:29AM 20 A MINUTE, OR TRY TO.

11:29AM 21 BUT, AGAIN, THE QUESTION IS WHETHER OR NOT A PROSPECTIVE
11:29AM 22 JUROR WILL BE ABLE TO, RECOGNIZING THERE'S SOME DIFFICULTY AND
11:29AM 23 IT MIGHT BE A CHALLENGE, BUT I'M ASKING THE JURORS TO TELL US
11:29AM 24 WHETHER THEY CAN PUT ASIDE ANY PRECONCEIVED BELIEF, IDEA, OR
11:29AM 25 BIAS, PUT THAT ASIDE AND PUT IT ON THE SHELF AND CLOSE THE DOOR

11:29AM 1 OF THAT CLOSET AND DECIDE THIS CASE ON ONLY WHAT YOU HEAR IN
11:29AM 2 THIS CASE?

11:29AM 3 IS THAT SOMETHING THAT YOU CAN DO? IS THAT A TASK THAT
11:29AM 4 YOU'RE UP TO?

11:29AM 5 PROSPECTIVE JUROR: YES.

11:29AM 6 THE COURT: ALL RIGHT. THANK YOU.

11:30AM 7 ANYONE ELSE? YES.

11:30AM 8 PROSPECTIVE JUROR: HI. JUROR 77.

11:30AM 9 THE COURT: YES. THANK YOU.

11:30AM 10 PROSPECTIVE JUROR: I, TOO, LIKE EVERYBODY ELSE OR
11:30AM 11 THE OTHER PEOPLE WHO HAVE SPOKEN, HAVE HEARD OF THIS CASE AND
11:30AM 12 THE PREVIOUS CASES IN THE NEWS.

11:30AM 13 THE COURT: OKAY. THANK YOU.

11:30AM 14 AND THEN MY FOLLOW-UP QUESTION, OF COURSE, IS THERE
11:30AM 15 ANYTHING ABOUT WHAT YOU'VE HEARD, READ, OR LEARNED ABOUT THAT
11:30AM 16 YOU THINK WOULD AFFECT YOUR ABILITY TO BE FAIR AND IMPARTIAL TO
11:30AM 17 BOTH SIDES AS A JUROR IN THIS CASE?

11:30AM 18 PROSPECTIVE JUROR: I DO HAVE SOME IDEAS OF WHAT I
11:30AM 19 THINK HAPPENED, BUT IN LISTENING TO BOTH SIDES PRESENT THE
11:30AM 20 EVIDENCE, I THINK I COULD LISTEN AND THEN BASE MY JUDGMENT UPON
11:30AM 21 WHAT THEY PRESENT.

11:30AM 22 THE COURT: GIVE ME JUST A MOMENT. WHAT'S THIS?

11:31AM 23 (DISCUSSION OFF THE RECORD.)

11:31AM 24 THE COURT: I'M SORRY.

11:31AM 25 PROSPECTIVE JUROR: DO YOU WANT ME TO REPEAT MYSELF?

11:31AM 1 THE COURT: WOULD YOU?

11:31AM 2 PROSPECTIVE JUROR: I DO BELIEVE I HAVE OPINIONS ON
11:31AM 3 WHAT HAPPENED, BUT I DO BELIEVE I COULD LISTEN TO BOTH SIDES
11:31AM 4 AND BASE MY FINDINGS ON WHAT IS PRESENTED.

11:31AM 5 THE COURT: OKAY. THAT'S THE QUESTION. YOU HEARD
11:31AM 6 ME TALK ABOUT A CLOSET AND CLOSING THE DOOR AND THOSE TYPES OF
11:31AM 7 THINGS, JUST METAPHORICALLY.

11:31AM 8 IS THAT SOMETHING THAT YOU THINK YOU COULD DO, YOU COULD
11:31AM 9 PUT THAT ASIDE AND BE ABLE TO DECIDE THIS CASE JUST ON WHAT YOU
11:31AM 10 HEAR IN THE COURTROOM?

11:31AM 11 PROSPECTIVE JUROR: I BELIEVE I CAN.

11:31AM 12 THE COURT: OKAY. IT'S GOING TO BE A CHALLENGE, I
11:31AM 13 RESPECT THAT. I UNDERSTAND THAT.

11:31AM 14 BUT, YOU KNOW, THE THING IS THAT IF YOU'RE SEATED AS A
11:31AM 15 JUROR, YOU MIGHT BE HEARING SOME EVIDENCE AND THEN IT MAY BE
11:31AM 16 THAT YOU'LL SAY, GEE, WAIT A MINUTE, I SAW SOMETHING, I READ
11:31AM 17 SOMETHING, AND IT WAS DIFFERENT THAN THAT, AND HOW COME THAT
11:31AM 18 IS?

11:31AM 19 DO YOU SEE THE DILEMMA THAT A JUROR MIGHT BE PUT IN
11:32AM 20 BECAUSE OF THAT?

11:32AM 21 PROSPECTIVE JUROR: YEAH.

11:32AM 22 THE COURT: AND THAT'S THE, THAT'S THE BASIS, THE
11:32AM 23 FOUNDATION OF MY QUESTION IS YOU HAVE TO PUT THE OTHER THING
11:32AM 24 ASIDE. I HEARD IN THE OTHER CASE THEY SAID IT WAS A, BUT IN
11:32AM 25 THIS CASE IT'S B.

11:32AM 1 THAT QUESTION CAN'T BE -- CAN'T INFLUENCE YOU IN ANY WAY.
11:32AM 2 THE ONLY THING THAT YOU HAVE TO DECIDE HERE IS THE B THAT WAS
11:32AM 3 SAID IN THIS COURTROOM AND NOT JUXTAPOSE TO ANYTHING ELSE.

11:32AM 4 IS THAT CLEAR?

11:32AM 5 PROSPECTIVE JUROR: YEAH, IT IS CLEAR, AND I THINK I
11:32AM 6 CAN DO THAT.

11:32AM 7 THE COURT: OKAY. OKAY. THANK YOU.

11:32AM 8 WERE THERE ANY OTHER HANDS TO THIS QUESTION?

11:32AM 9 I DON'T SEE ANY. THANK YOU. WELL, LET ME MOVE ON.

11:33AM 10 NOW, THIS WILL BE A LENGTHY TRIAL, AND THERE MAY BE
11:33AM 11 CONTINUED NEWS COVERAGE REGARDING THIS CASE. AND AS I SAID,
11:33AM 12 JURORS WILL BE INSTRUCTED TO NOT READ, LISTEN TO MEDIA COVERAGE
11:33AM 13 ABOUT THE CASE, AND THIS IS IMPORTANT AS A JUROR'S DECISION ON
11:33AM 14 THE CASE MUST BE FORMED ONLY BY THE EVIDENCE ADMITTED AND
11:33AM 15 RECEIVED IN THE COURTROOM AND NOT ON ANY INFORMATION RECEIVED
11:33AM 16 OUTSIDE OF THE COURTHOUSE.

11:33AM 17 ANY JUROR WHO IS EXPOSED TO ANY OUTSIDE INFORMATION MUST
11:33AM 18 REPORT THIS EXPOSURE TO THE COURT. THAT MEANS TO ME VIA MY
11:33AM 19 STAFF.

11:33AM 20 AND THIS MAY BE DIFFICULT, AND I RECOGNIZE IT MIGHT BE
11:33AM 21 CHALLENGING. I THINK I ASKED YOU, BUT LET ME ASK ALL OF YOU,
11:33AM 22 ARE ALL OF YOU WILLING TO ABIDE BY THIS AND THE COURT'S
11:33AM 23 INSTRUCTION? IS THERE ANYONE WHO WOULD NOT, NOT BE ABLE TO
11:33AM 24 FOLLOW THAT?

11:33AM 25 I SEE NO HANDS.

11:34AM 1 HAVE ANY OF YOU SERVED AS A JUROR IN A CIVIL OR A CRIMINAL
11:34AM 2 CASE OR AS A MEMBER OF A GRAND JURY IN EITHER FEDERAL OR STATE
11:34AM 3 COURT? ANYONE?

11:34AM 4 ALL RIGHT. LET'S GET THIS DOWN.

11:34AM 5 THIS IS JUROR 31.

11:34AM 6 PROSPECTIVE JUROR: I'M 35.

11:34AM 7 THE COURT: OH, I THOUGHT THEY GAVE IT TO 35.

11:34AM 8 PROSPECTIVE JUROR: NO, I'M 35.

11:34AM 9 THE COURT: YES, MA'AM. TELL ME ABOUT THAT.

11:34AM 10 PROSPECTIVE JUROR: IT WAS A ROBBERY, AND IT WAS IN
11:34AM 11 SALINAS, MONTEREY COUNTY.

11:34AM 12 THE COURT: OKAY. HOW LONG AGO WAS THAT?

11:34AM 13 PROSPECTIVE JUROR: I DON'T REMEMBER, BUT PROBABLY
11:34AM 14 MORE LIKE SIX OR SEVEN YEARS.

11:34AM 15 THE COURT: OKAY. AND WERE YOU THE FOREPERSON OF
11:34AM 16 THE JURY?

11:34AM 17 PROSPECTIVE JUROR: NO.

11:34AM 18 THE COURT: AND WITHOUT TELLING ME WHAT THE VERDICT
11:34AM 19 WAS, WAS THE JURY ABLE TO REACH A VERDICT?

11:34AM 20 PROSPECTIVE JUROR: NO.

11:34AM 21 THE COURT: IS THERE ANYTHING ABOUT THAT EXPERIENCE,
11:34AM 22 THAT JURY SERVICE THAT YOU THINK WOULD INFECT -- OR AFFECT,
11:35AM 23 PARDON ME, YOUR ABILITY TO BE FAIR AND IMPARTIAL IN THIS CASE?

11:35AM 24 PROSPECTIVE JUROR: NO.

11:35AM 25 THE COURT: ALL RIGHT. THANK YOU. NOW, IF YOU

11:35AM 1 COULD PASS IT OVER.

11:35AM 2 YOU'RE JUROR 31.

11:35AM 3 PROSPECTIVE JUROR: YES, YOUR HONOR.

11:35AM 4 THE COURT: ALL RIGHT.

11:35AM 5 PROSPECTIVE JUROR: I WAS IN SANTA CRUZ COUNTY, AND

11:35AM 6 I SERVED IN A DUI CASE WHERE A FATHER HAD HIS YOUNGER DAUGHTER

11:35AM 7 INSIDE OF THE VEHICLE AND WAS PULLED OVER AND WAS ABOVE THE

11:35AM 8 LEGAL LIMIT.

11:35AM 9 THE COURT: OKAY. AND HOW LONG AGO WAS THAT?

11:35AM 10 PROSPECTIVE JUROR: FOUR MONTHS.

11:35AM 11 THE COURT: FOUR MONTHS AGO.

11:35AM 12 PROSPECTIVE JUROR: YEAH.

11:35AM 13 THE COURT: WERE YOU THE FOREPERSON OF THE JURY?

11:35AM 14 PROSPECTIVE JUROR: NO. I WAS ONE OF THE PEOPLE WHO

11:35AM 15 SAT OUT.

11:35AM 16 THE COURT: I'M SORRY?

11:35AM 17 PROSPECTIVE JUROR: WHAT DID YOU SAY?

11:35AM 18 THE COURT: WERE YOU ON THE JURY?

11:35AM 19 PROSPECTIVE JUROR: NO.

11:35AM 20 THE COURT: OH. YOU WERE EXCUSED?

11:35AM 21 PROSPECTIVE JUROR: NO. I WAS ONE OF THE SIX

11:35AM 22 PEOPLE, ONE OF THE SIX PEOPLE THAT SAT OUT JUST IN CASE.

11:35AM 23 THE COURT: YOU WERE AN ALTERNATE JUROR?

11:35AM 24 PROSPECTIVE JUROR: YES. SORRY, ALTERNATE.

11:35AM 25 THE COURT: AND YOU DIDN'T DO FINAL DELIBERATIONS?

11:36AM 1 PROSPECTIVE JUROR: NO, I DID NOT STAY FOR THAT.

11:36AM 2 THE COURT: I SEE.

11:36AM 3 IS THERE ANYTHING ABOUT THAT EXPERIENCE THAT YOU THINK
11:36AM 4 WOULD AFFECT YOUR ABILITY TO BE FAIR AND IMPARTIAL TO BOTH
11:36AM 5 SIDES IN THIS CASE?

11:36AM 6 PROSPECTIVE JUROR: YEAH. IT WAS JUST THAT ONE.

11:36AM 7 THE COURT: I'M SORRY.

11:36AM 8 PROSPECTIVE JUROR: YES, I WOULD.

11:36AM 9 THE COURT: AND WHAT IS IT, OTHER THAN YOUR DESIRE
11:36AM 10 NOT TO SIT AS A JUROR IN THIS CASE, I HEAR THAT'S WHAT YOU'RE
11:36AM 11 SAYING, BUT IS THERE ANYTHING ABOUT THAT EXPERIENCE --

11:36AM 12 PROSPECTIVE JUROR: YEAH, NO.

11:36AM 13 THE COURT: -- THAT YOU THINK WOULD AFFECT YOUR
11:36AM 14 ABILITY TO BE FAIR HERE?

11:36AM 15 PROSPECTIVE JUROR: NO, SIR.

11:36AM 16 THE COURT: OKAY. ALL RIGHT. THANK YOU.

11:36AM 17 ANY OTHER PRIOR JURY SERVICE? LET'S PASS THE MICROPHONE
11:36AM 18 OUT TO THE AUDIENCE, PLEASE.

11:36AM 19 PROSPECTIVE JUROR: 47.

11:36AM 20 THE COURT: THANK YOU. PRIOR JURY SERVICE, SIR?
11:36AM 21 YES.

11:36AM 22 PROSPECTIVE JUROR: I WAS ON A JURY PROBABLY
11:36AM 23 20 YEARS AGO. IT WAS A DRUNK DRIVING CASE WITH THREE OTHER
11:36AM 24 ACCUSATIONS. I WAS CHAIRMAN OF THE JURY.

11:37AM 25 THE COURT: OH, YOU FOUND A VERDICT?

11:37AM 1 PROSPECTIVE JUROR: VERDICTS IN ALL OF THIS.

11:37AM 2 THE COURT: OKAY. AND WHERE WAS THAT, SIR?

11:37AM 3 PROSPECTIVE JUROR: WHERE?

11:37AM 4 THE COURT: YES.

11:37AM 5 PROSPECTIVE JUROR: IN PALO ALTO.

11:37AM 6 THE COURT: IS THERE ANYTHING ABOUT THAT EXPERIENCE,

11:37AM 7 SIR --

11:37AM 8 PROSPECTIVE JUROR: NO.

11:37AM 9 THE COURT: -- THAT YOU THINK WOULD AFFECT YOUR

11:37AM 10 ABILITY TO BE FAIR AND IMPARTIAL TO BOTH SIDES HERE?

11:37AM 11 PROSPECTIVE JUROR: NO.

11:37AM 12 THE COURT: OKAY. THANK YOU.

11:37AM 13 OTHER JURY SERVICE?

11:37AM 14 I SEE A HAND IN THE BACK. YES.

11:37AM 15 PROSPECTIVE JUROR: 77.

11:37AM 16 THE COURT: YES.

11:37AM 17 PROSPECTIVE JUROR: I SAT ON A JURY ABOUT 20 YEARS

11:37AM 18 AGO IN SAN FRANCISCO. IT WAS AN OBSTRUCTION OF JUSTICE CASE.

11:37AM 19 THE COURT: OKAY. AND WERE YOU THE FOREPERSON?

11:37AM 20 PROSPECTIVE JUROR: NO.

11:37AM 21 THE COURT: AND WAS THE JURY ABLE TO REACH A VERDICT

11:37AM 22 IN THAT CASE?

11:37AM 23 PROSPECTIVE JUROR: YES.

11:37AM 24 THE COURT: OKAY. IS THERE ANYTHING ABOUT THAT

11:37AM 25 SERVICE THAT YOU THINK WILL IMPAIR YOUR ABILITY TO BE FAIR AND

11:37AM 1 IMPARTIAL TO BOTH SIDES IN THIS CASE?

11:37AM 2 PROSPECTIVE JUROR: NO.

11:38AM 3 THE COURT: OKAY. THANK YOU.

11:38AM 4 ANY OTHER JURY SERVICE?

11:38AM 5 I SEE NO HANDS.

11:38AM 6 IS THERE ANYONE HERE WHO FOR ANY REASON MIGHT HAVE

11:38AM 7 DIFFICULTY TREATING THIS CASE AS FAIRLY AND OBJECTIVELY AS YOU

11:38AM 8 WOULD A CASE NOT INVOLVING ACCUSATIONS OF WIRE FRAUD AND

11:38AM 9 CONSPIRACY TO COMMIT WIRE FRAUD?

11:38AM 10 THIS QUESTION JUST CALLS UPON, IS THERE ANYTHING ABOUT THE

11:38AM 11 NATURE OF THE CHARGES THEMSELVES, JUST THESE CHARGES OF WIRE

11:38AM 12 FRAUD, THAT YOU THINK WOULD CAUSE YOU DIFFICULTY SITTING AS A

11:38AM 13 JUROR IN THE CASE?

11:38AM 14 I SEE NO HANDS.

11:38AM 15 HAVE YOU OR ANYONE CLOSE TO YOU EVER BEEN ACCUSED OF WIRE

11:38AM 16 FRAUD OR ALLEGATIONS REGARDING FRAUDULENT CONDUCT? ANYONE HAVE

11:38AM 17 THOSE CIRCUMSTANCES OR KNOW ANYONE WHO HAS HAD THOSE

11:38AM 18 CIRCUMSTANCES?

11:38AM 19 I SEE NO HANDS.

11:38AM 20 HAVE YOU OR ANYONE CLOSE TO YOU EVER BEEN EMPLOYED BY A

11:39AM 21 LAW ENFORCEMENT AGENCY INCLUDING A DISTRICT ATTORNEY'S OFFICE,

11:39AM 22 UNITED STATES ATTORNEY'S OFFICE, FBI, I.R.S., OR IN THE

11:39AM 23 CRIMINAL JUSTICE SYSTEM, A DEFENSE LAWYER, PROBATION OFFICER,

11:39AM 24 OR INVESTIGATOR? ANYONE HAVE THOSE EXPERIENCES OR KNOW ANYONE?

11:39AM 25 YES, I SEE A HAND.

11:39AM 1 TAKE THE MICROPHONE.

11:39AM 2 PROSPECTIVE JUROR: I'M JUROR NUMBER 50.

11:39AM 3 THE COURT: YES.

11:39AM 4 PROSPECTIVE JUROR: MY FIRST COUSIN IS A POLICE

11:39AM 5 DETECTIVE.

11:39AM 6 THE COURT: IS THAT LOCAL?

11:39AM 7 PROSPECTIVE JUROR: YEAH, BAY AREA.

11:39AM 8 THE COURT: OKAY. THANK YOU.

11:39AM 9 AND DO YOU TALK TO HER -- HIM.

11:39AM 10 PROSPECTIVE JUROR: HIM.

11:39AM 11 THE COURT: DO YOU TALK TO HIM ABOUT HIS WORK?

11:39AM 12 PROSPECTIVE JUROR: ABOUT -- OCCASIONALLY WHEN WE

11:40AM 13 MEET. NOT OFTEN.

11:40AM 14 THE COURT: OKAY. IS THERE ANYTHING ABOUT THOSE

11:40AM 15 CONVERSATIONS THAT YOU THINK WOULD AFFECT YOUR ABILITY TO BE

11:40AM 16 FAIR AND IMPARTIAL TO BOTH SIDES HERE?

11:40AM 17 PROSPECTIVE JUROR: NO.

11:40AM 18 THE COURT: OKAY. ANYONE ELSE?

11:40AM 19 YES. WE'LL GET THE MICROPHONE BACK TO YOU, SIR.

11:40AM 20 PROSPECTIVE JUROR: MY BROTHER WORKS FOR THE FBI.

11:40AM 21 THE COURT: ALL RIGHT. THANK YOU.

11:40AM 22 AND YOU'RE JUROR NUMBER?

11:40AM 23 PROSPECTIVE JUROR: 80.

11:40AM 24 THE COURT: 80, YES.

11:40AM 25 AND YOUR BROTHER IS CURRENTLY WORKING WITH THE FBI?

11:40AM 1 PROSPECTIVE JUROR: YES.

11:40AM 2 THE COURT: DO YOU KNOW IN WHAT CAPACITY?

11:40AM 3 PROSPECTIVE JUROR: FULL TIME.

11:40AM 4 THE COURT: FULL TIME. ALL RIGHT.

11:40AM 5 AND IS YOUR BROTHER AN AGENT WITH THE FBI?

11:40AM 6 PROSPECTIVE JUROR: YES.

11:40AM 7 THE COURT: AND IS IT LOCAL OR A DIFFERENT

11:40AM 8 JURISDICTION?

11:40AM 9 PROSPECTIVE JUROR: SAN FRANCISCO.

11:40AM 10 THE COURT: SAN FRANCISCO, OKAY.

11:41AM 11 AND DO YOU TALK TO HIM ABOUT HIS WORK?

11:41AM 12 PROSPECTIVE JUROR: NO, NOT MUCH.

11:41AM 13 THE COURT: OKAY. IS THERE ANYTHING ABOUT THE FACT

11:41AM 14 THAT YOUR BROTHER IS AN FBI AGENT YOU THINK WOULD AFFECT YOUR

11:41AM 15 ABILITY TO BE FAIR TO BOTH SIDES IN THIS CASE?

11:41AM 16 PROSPECTIVE JUROR: NO.

11:41AM 17 THE COURT: ALL RIGHT. THANK YOU.

11:41AM 18 ANYONE ELSE?

11:41AM 19 I SEE NO HANDS.

11:41AM 20 WOULD ANY OF YOU GIVE GREATER OR LESSER CREDENCE TO A

11:41AM 21 WITNESS WHO IS A LAW ENFORCEMENT OFFICER, AGENT, OR GOVERNMENT

11:41AM 22 REPRESENTATIVE SIMPLY BECAUSE THAT WITNESS IS A LAW ENFORCEMENT

11:41AM 23 OFFICER, AGENT, OR GOVERNMENT REPRESENTATIVE?

11:41AM 24 WHAT THIS QUESTION CALLS FOR, LADIES AND GENTLEMEN, IS I'D

11:41AM 25 LIKE TO KNOW WHETHER OR NOT IF A LAW ENFORCEMENT OFFICER, AGENT

11:41AM 1 TESTIFIES IN THE CASE, I'M CURIOUS WHETHER JUST BECAUSE OF THE
11:41AM 2 FACT OF THAT EMPLOYMENT YOU WOULD GIVE THAT WITNESS'S TESTIMONY
11:42AM 3 GREATER WEIGHT OR LESSER WEIGHT JUST BECAUSE OF THE EMPLOYMENT?

11:42AM 4 ANYBODY FEELS THAT THEY WOULD DO THAT?

11:42AM 5 I SEE NO HANDS.

11:42AM 6 DO ANY OF YOU HAVE ANY OPINIONS ABOUT THE UNITED STATES
11:42AM 7 GOVERNMENT OR THE STATE OF CALIFORNIA OR ANY FEDERAL OR STATE
11:42AM 8 LAW ENFORCEMENT AGENCY THAT MIGHT AFFECT YOUR ABILITY TO BE
11:42AM 9 FAIR AND IMPARTIAL IN THIS CASE?

11:42AM 10 ANYONE HAVE ANY FEELINGS ABOUT THAT?

11:42AM 11 I SEE NO HANDS.

11:42AM 12 IS ANYONE OF THE OPINION THAT THE CRIMINAL JUSTICE SYSTEM
11:42AM 13 IS FUNDAMENTALLY UNFAIR IN SOME WAY SUCH THAT YOUR ABILITY TO
11:42AM 14 BE FAIR AND IMPARTIAL TO BOTH SIDES MIGHT BE IMPAIRED?

11:42AM 15 ANYONE HAVE ANY FEELINGS ABOUT THE CRIMINAL JUSTICE SYSTEM
11:42AM 16 AND ITS THE FAIRNESS IN THE SYSTEM?

11:42AM 17 YES. WE'LL GET A MICROPHONE DOWN TO YOU, SIR.

11:43AM 18 PROSPECTIVE JUROR: I BELIEVE IF THE JUROR PICKING
11:43AM 19 WAS A LITTLE BIT BETTER I WOULDN'T BE PICKED THREE TIMES IN ONE
11:43AM 20 YEAR. I WOULD BE A LITTLE BIT MORE HAPPIER TO BE HERE, BUT NOW
11:43AM 21 I FEEL LIKE MORE ANNOYED AND A MENACE TO MY LIFESTYLE AT THIS
11:43AM 22 POINT.

11:43AM 23 THE COURT: FIRST OF ALL, TELL ME YOUR JUROR NUMBER
11:43AM 24 AGAIN.

11:43AM 25 PROSPECTIVE JUROR: 31.

11:43AM 1 THE COURT: YES.

11:43AM 2 AND IT SOUNDS LIKE -- ARE YOU -- YOU USED THE WORD
11:43AM 3 "ANNOYED"?

11:43AM 4 PROSPECTIVE JUROR: YES.

11:43AM 5 THE COURT: AND YOU'RE ANNOYED BECAUSE YOU'VE BEEN
11:43AM 6 SELECTED TO SIT AS A JUROR IN THREE CASES?

11:43AM 7 PROSPECTIVE JUROR: YES. THIS IS THE THIRD TIME
11:43AM 8 I'VE BEEN PICKED THIS YEAR TO COME TO SERVE, AND THIS IS THE
11:43AM 9 SECOND TIME WITH SANTA CRUZ, TWO TIMES WITH THEM, AND NOW THIS
11:43AM 10 IS THE FIRST TIME WITH YOU GUYS.

11:43AM 11 THE COURT: I SEE. OKAY.

11:43AM 12 WELL, DOES THAT SUGGEST TO YOU, SIR, THAT FOR SOME REASON
11:44AM 13 YOU'RE VIEWED AS SOMEBODY OF SOUND, GOOD JUDGMENT THAT WOULD
11:44AM 14 SIT AS A GOOD QUALIFIED JUROR, DOESN'T THAT SUGGEST TO YOU THAT
11:44AM 15 THE JURY COMMISSIONERS FOR SOME REASON SEES YOU AS SOMEBODY WHO
11:44AM 16 IS EXTREMELY BRIGHT AND INTELLIGENT --

11:44AM 17 PROSPECTIVE JUROR: I RATHER NOT.

11:44AM 18 THE COURT: -- AND CAN HAVE AN OBJECTIVE MIND AND
11:44AM 19 SIT AS A FAIR JUROR? ISN'T THAT WHAT THAT SAYS?

11:44AM 20 PROSPECTIVE JUROR: I DON'T WANT TO BE.

11:44AM 21 THE COURT: I SEE.

11:44AM 22 AND IS THAT BECAUSE YOU THINK IT'S A WASTE OF YOUR
11:44AM 23 PRECIOUS TIME, SIR?

11:44AM 24 PROSPECTIVE JUROR: WELL, RIGHT NOW IT'S A THIRD
11:44AM 25 TIME, AND I JUST STARTED MY NEW JOB, AND I NEED TO BE AT WORK.

11:44AM 1 I AM TRYING TO FIND A NEW HOUSE, AND I NEED THE PAY
11:44AM 2 STUBS, AND I CAN'T GET THE PAY STUBS IF I'M HERE.

11:44AM 3 THE COURT: I SEE. THANK YOU VERY MUCH. THANK YOU
11:44AM 4 FOR SHARING THOSE DETAILS WITH ME, SIR. I APPRECIATE IT.

11:44AM 5 PROSPECTIVE JUROR: THANK YOU, SIR.

11:44AM 6 THE COURT: ALL RIGHT. ANYONE ELSE?

11:44AM 7 I SEE NO HANDS.

11:44AM 8 IF YOU ARE SELECTED TO SIT ON THIS CASE, WILL YOU BE ABLE
11:44AM 9 TO RENDER A VERDICT SOLELY ON THE EVIDENCE PRESENTED AT THE
11:44AM 10 TRIAL AND IN THE CONTEXT OF THE LAW AS I WILL GIVE IT TO YOU IN
11:45AM 11 MY INSTRUCTIONS DISREGARDING ANY OTHER IDEAS, NOTIONS, OR
11:45AM 12 BELIEFS ABOUT THE LAW THAT YOU MAY HAVE ENCOUNTERED IN REACHING
11:45AM 13 YOUR VERDICT?

11:45AM 14 THIS QUESTION IS REALLY DESIGNED, LADIES AND GENTLEMEN, TO
11:45AM 15 ASK YOU, WILL YOU FOLLOW THE LAW AS I GIVE IT TO YOU WHETHER
11:45AM 16 YOU AGREE WITH IT OR NOT? IS THERE ANYONE WHO CANNOT DO THAT?

11:45AM 17 I SEE NO HANDS.

11:45AM 18 A DEFENDANT IN A CRIMINAL CASE IS PRESUMED TO BE INNOCENT.
11:45AM 19 THIS PRESUMPTION REQUIRES THE GOVERNMENT TO PROVE EACH ELEMENT
11:45AM 20 OF A CRIME BEYOND A REASONABLE DOUBT.

11:45AM 21 PROOF BEYOND A REASONABLE DOUBT IS PROOF THAT LEAVES YOU
11:45AM 22 FIRMLY CONVINCED THAT THE DEFENDANT IS GUILTY. IT IS NOT
11:45AM 23 REQUIRED THAT THE GOVERNMENT PROVE GUILT BEYOND ALL POSSIBLE
11:45AM 24 DOUBT.

11:45AM 25 A REASONABLE DOUBT IS A DOUBT BASED UPON REASON AND COMMON

11:45AM 1 SENSE AND IS NOT BASED PURELY ON SPECULATION.

11:45AM 2 IT MAY ARISE FROM A CAREFUL AND IMPARTIAL CONSIDERATION OF
11:45AM 3 ALL OF THE EVIDENCE OR FROM LACK OF EVIDENCE.

11:46AM 4 IF AFTER AN IMPARTIAL AND CAREFUL CONSIDERATION OF ALL OF
11:46AM 5 THE EVIDENCE YOU ARE NOT CONVINCED BEYOND A REASONABLE DOUBT
11:46AM 6 THAT THE DEFENDANT IS GUILTY, IT IS YOUR DUTY TO FIND THE
11:46AM 7 DEFENDANT NOT GUILTY.

11:46AM 8 ON THE OTHER HAND, IF AFTER A CAREFUL AND IMPARTIAL
11:46AM 9 CONSIDERATION OF ALL OF THE EVIDENCE, YOU ARE CONVINCED BEYOND
11:46AM 10 A REASONABLE DOUBT THAT THE DEFENDANT IS GUILTY, IT IS YOUR
11:46AM 11 DUTY TO FIND THE DEFENDANT GUILTY.

11:46AM 12 NOW, CAN ALL OF YOU APPLY THE LAW AS GIVEN BY THE COURT,
11:46AM 13 INCLUDING THE PRESUMPTION OF INNOCENCE, AND THE GOVERNMENT'S
11:46AM 14 BURDEN OF PROOF BEYOND A REASONABLE DOUBT?

11:46AM 15 IS THERE ANYBODY WHO CANNOT DO THAT?

11:46AM 16 I SEE NO HANDS.

11:46AM 17 IS THERE ANYONE WHO BELIEVES THAT BECAUSE MR. BALWANI IS
11:46AM 18 PRESENT IN COURT ACCUSED OF THESE CHARGES, HE MUST BE GUILTY?
11:46AM 19 ANYONE FEEL THAT?

11:46AM 20 I SEE NO HANDS.

11:46AM 21 IS THERE ANYONE WHO CANNOT PRESUME MR. BALWANI INNOCENT OF
11:47AM 22 THESE CHARGES RIGHT NOW? ANYONE?

11:47AM 23 I SEE NO HANDS.

11:47AM 24 DO YOU UNDERSTAND THAT AFTER HEARING ALL OF THE EVIDENCE
11:47AM 25 YOU DETERMINE THAT THE GOVERNMENT HAS NOT MET THEIR BURDEN OF

1 PROVING THE CASE BEYOND A REASONABLE DOUBT, IT WOULD BE THEN
2 YOUR DUTY TO FIND THE DEFENDANT NOT GUILTY?

3 YOU ALL UNDERSTAND THAT? ANYONE WHO DOES NOT?

4 I SEE NO HANDS.

5 IF THAT WERE TO BE THE CASE, COULD ALL OF YOU STILL DO
6 THAT AND STILL FACE YOUR FAMILY AND FRIENDS WITHOUT FEAR OF
7 CRITICISM THAT MIGHT MAKE IT DIFFICULT FOR YOU? ANYONE FEEL
8 THAT IF THEY -- AT THE END OF THIS CASE IF THEY WERE TO FIND
9 THE GOVERNMENT HAS NOT MET THEIR BURDEN, THAT YOU WOULD BE
10 FEARFUL OF FINDING THAT BECAUSE OF CRITICISM?

11 I SEE NO HANDS.

12 NOW, YOU HAVE SEEN A VIDEO EARLIER THAT DISCUSSED THE
13 TOPIC OF UNCONSCIOUS BIAS, AND WE SHOW THAT VIDEO AS AN AID TO
14 PROSPECTIVE JURORS AS THEY CONSIDER YOUR JURY SERVICE AND THE
15 TASK AHEAD OF THEM. IT'S MEANT AS AN EDUCATIONAL TOOL TO
16 INFORM REGARDING EDUCATIONAL STUDIES ON ISSUES OF BIAS AND
17 UNCONSCIOUS BIAS. I HOPE YOU FOUND THE VIDEO TO BE INSTRUCTIVE
18 AND HELPFUL.

19 IN OUR NATION AND STATE WE HAVE CITIZENS, RESIDENTS, AND
20 NONCITIZENS FROM MANY DIFFERENT RACES, ETHNIC AND CULTURAL
21 BACKGROUNDS.

22 IN THE JURISDICTION OF THIS COURT WE ENJOY A RICH
23 DIVERSITY OF INDIVIDUALS AND CULTURES. UNDER THE LAW, ALL
24 PEOPLE WHO APPEAR IN COURT, REGARDLESS OF RACE, RELIGION,
25 ETHNIC HERITAGE, GENDER, AGE, OR SEXUAL ORIENTATION ARE

1 ENTITLED TO DUE PROCESS OF LAW, AND WE GUARANTEE EACH PERSON
2 THE RIGHT TO A FAIR AND IMPARTIAL TRIAL.

3 WE ARE TO JUDGE EACH INDIVIDUAL AS WE WANT TO BE JUDGED,
4 FAIRLY AND IMPARTIALLY.

5 NOW, IT MAY APPEAR THAT ONE OR MORE OF THE PARTIES,
6 ATTORNEYS, OR WITNESSES COME FROM A NATIONAL, RACIAL, OR
7 RELIGIOUS GROUP OR MAY HAVE A LIFESTYLE DIFFERENT FROM YOUR
8 OWN.

9 WOULD THIS IN ANY WAY AFFECT YOUR JUDGMENT OR THE WEIGHT
10 AND CREDIBILITY YOU WOULD GIVE TO THE EVIDENCE IN THIS CASE?

11 ANYONE FEEL THAT THAT WOULD BE AN ISSUE FOR THEM?

12 I SEE NO HANDS.

13 TO REACH A VERDICT, THE JURY MUST BE UNANIMOUS. DO ALL OF
14 YOU ACCEPT THE REQUIREMENT THAT THE JURY'S VERDICT BE
15 UNANIMOUS?

16 ANYONE WHO PARTS COMPANY WITH THAT CONCEPT?

17 I SEE NO HANDS.

18 DOES ANYONE FEEL THAT BECAUSE OF A PHILOSOPHICAL, A MORAL,
19 OR RELIGIOUS REASONS THAT THEY CANNOT SIT AS A JUROR IN A
20 CRIMINAL CASE OR THAT WOULD CAUSE DISCOMFORT OR AN INABILITY TO
21 REACH A VERDICT IN A CRIMINAL CASE?

22 ANYONE FEEL THAT BECAUSE OF RELIGIOUS OR MORAL BELIEFS
23 THAT THIS WOULD BE A CHALLENGE OR THEY WOULD BE UNABLE TO
24 ACCOMPLISH THIS TASK?

25 I SEE NO HANDS.

11:50AM 1 AS A JUROR, YOU ARE ASKED TO DETERMINE THE FACTS OF THE
11:50AM 2 CASE AND WHETHER THE DEFENDANT DID IN FACT COMMIT THE ACTS THAT
11:50AM 3 CONSTITUTE THE OFFENSES CHARGED.

11:50AM 4 IS THERE ANYONE WHO DOES NOT UNDERSTAND THAT CONCEPT,
11:50AM 5 THOSE DUTIES AS A JUROR?

11:50AM 6 I SEE NO HANDS.

11:50AM 7 AS A JUROR, YOU'RE NOT TO CONSIDER OR SPECULATE ON THE
11:50AM 8 QUESTION OF PUNISHMENT. THAT QUESTION IS SOLELY IN THE
11:50AM 9 PROVINCE OF THE COURT.

11:50AM 10 IS THERE ANYONE WHO DOES NOT UNDERSTAND THAT CONCEPT?

11:50AM 11 I SEE NO HANDS.

11:50AM 12 WILL YOU PERFORM YOUR DUTY TO FOLLOW THE LAW AND DECIDE
11:50AM 13 THE CASE WITHOUT ANY REGARD TO THE POSSIBLE CONSEQUENCES? IS
11:50AM 14 THERE ANYONE WHO CANNOT DO THAT?

11:51AM 15 AGAIN, I SEE NO HANDS.

11:51AM 16 IN OUR COURTS AN ACCUSED HAS THE RIGHT TO REMAIN SILENT
11:51AM 17 AND NOT TESTIFY. A DEFENDANT MAY CHOOSE TO RELY ON THE STATE
11:51AM 18 OF THE EVIDENCE AT THE CONCLUSION OF THE GOVERNMENT'S CASE AND
11:51AM 19 PRESENT NO AFFIRMATIVE DEFENSE.

11:51AM 20 DO ALL OF YOU ACCEPT THE DEFENDANT'S RIGHT UNDER THE
11:51AM 21 CONSTITUTION TO REMAIN SILENT AND THUS CHOOSE NOT TO TESTIFY IN
11:51AM 22 THIS CASE?

11:51AM 23 ANYONE WHO PARTS COMPANY WITH THAT CONCEPT?

11:51AM 24 I SEE NO HANDS.

11:51AM 25 IF MR. BALWANI RELIES ON HIS RIGHT NOT TO TESTIFY, WILL

11:51AM 1 ANYONE HOLD THAT AGAINST HIM? IS THERE ANYONE WHO WOULD HOLD
11:51AM 2 THAT AGAINST HIM?

11:51AM 3 I SEE NO HANDS.

11:51AM 4 WOULD ANY OF YOU FEEL THAT HE WAS HIDING SOMETHING IF HE
11:51AM 5 DID NOT TESTIFY?

11:51AM 6 I SEE NO HANDS.

11:51AM 7 ARE ANY OF YOU, ANY MEMBER OF YOUR FAMILY, OR ANY OF YOUR
11:51AM 8 CLOSE FRIENDS ATTORNEYS, LAW STUDENTS OR PARALEGALS OR LAW
11:52AM 9 PROFESSORS? ANYONE IN THE LEGAL PROFESSION?

11:52AM 10 OKAY. I SEE SOME HANDS. WE'LL GET MICROPHONES DOWN TO
11:52AM 11 YOU.

11:52AM 12 PROSPECTIVE JUROR: JUROR 48.

11:52AM 13 THE COURT: YES, SIR.

11:52AM 14 PROSPECTIVE JUROR: I HAVE A FIRST COUSIN WHO IS AN
11:52AM 15 ATTORNEY.

11:52AM 16 THE COURT: OKAY. AND DO YOU KNOW WHAT --
11:52AM 17 WHEREABOUTS THAT IS?

11:52AM 18 PROSPECTIVE JUROR: IT'S IN SANTA CLARA COUNTY.

11:52AM 19 THE COURT: OKAY. AND DO YOU KNOW WHAT TYPE OF LAW
11:52AM 20 YOUR COUSIN PRACTICES.

11:52AM 21 PROSPECTIVE JUROR: SHE DOES WILLS AND ESTATES.

11:52AM 22 THE COURT: OKAY. DO YOU TALK WITH HER ABOUT HER
11:52AM 23 WORK ON OCCASION?

11:52AM 24 PROSPECTIVE JUROR: ON OCCASION.

11:52AM 25 THE COURT: IS THERE ANYTHING ABOUT THOSE

11:52AM 1 CONVERSATIONS OR THE FACT THAT SHE'S A LAWYER THAT YOU THINK
11:52AM 2 WOULD AFFECT YOUR ABILITY TO BE FAIR TO BOTH SIDES IN THIS
11:52AM 3 CASE?

11:52AM 4 PROSPECTIVE JUROR: NO.

11:52AM 5 THE COURT: OKAY. THANK YOU.

11:52AM 6 SOMEONE ELSE IN THE FRONT ROW THERE?

11:52AM 7 PROSPECTIVE JUROR: JUROR 45.

11:52AM 8 THE COURT: YES.

11:53AM 9 PROSPECTIVE JUROR: I HAVE A FRIEND WHO IS A
11:53AM 10 CORPORATE LAWYER, I BELIEVE.

11:53AM 11 THE COURT: AND IS THAT IN THE AREA?

11:53AM 12 PROSPECTIVE JUROR: YES, I BELIEVE IN SANTA CLARA
11:53AM 13 COUNTY.

11:53AM 14 THE COURT: OKAY. AND DO YOU TALK TO THIS FRIEND
11:53AM 15 ABOUT HIS OR HER WORK?

11:53AM 16 PROSPECTIVE JUROR: I VERY SELDOM TALK TO HER ABOUT
11:53AM 17 THE DETAILS OF HER WORK. MOSTLY SHE JUST COMPLAINS TO ME ABOUT
11:53AM 18 THE OFFICE.

11:53AM 19 THE COURT: I SEE. AND THE AMOUNT OF WORK.

11:53AM 20 PROSPECTIVE JUROR: INDEED.

11:53AM 21 THE COURT: YES. IS THERE ANYTHING ABOUT THAT THAT
11:53AM 22 YOU THINK WOULD AFFECT YOUR ABILITY TO BE FAIR AND IMPARTIAL TO
11:53AM 23 BOTH SIDES HERE?

11:53AM 24 PROSPECTIVE JUROR: I DO NOT BELIEVE SO, SIR.

11:53AM 25 THE COURT: OKAY. THANK YOU.

11:53AM 1 ANYONE ELSE?

11:53AM 2 I SEE NO HANDS.

11:53AM 3 HAVE YOU OR ANY OF YOUR FAMILY OR CLOSE FRIENDS EVER

11:53AM 4 WORKED FOR A COURT, A PROSECUTION OR A CRIMINAL DEFENSE LAW

11:53AM 5 OFFICE, INCLUDING GOVERNMENT AND PRIVATE PRACTICE FIRMS?

11:53AM 6 ANYONE HAVE THOSE EXPERIENCES?

11:53AM 7 I SEE NO HANDS.

11:53AM 8 HAVE YOU OR ANYONE CLOSE TO YOU EVER BEEN INVOLVED WITH OR

11:54AM 9 APPEARED AS A DEFENDANT, VICTIM OR WITNESS IN ANY INVESTIGATION

11:54AM 10 BY A GOVERNMENT AGENCY, WHICH WOULD INCLUDE POLICE DEPARTMENTS,

11:54AM 11 SHERIFF'S OFFICES, FEDERAL AGENCIES SUCH AS DEA, FBI, I.R.S.,

11:54AM 12 S.E.C., ATF? AND I'M HAPPY TO SPEAK PRIVATELY WITH ANYONE IF

11:54AM 13 YOU WISH.

11:54AM 14 YES, JUROR NUMBER 80.

11:54AM 15 PROSPECTIVE JUROR: I HAVE ANOTHER BROTHER WHO

11:54AM 16 WORKED FOR CBP BEFORE, CUSTOMS BORDER PROTECTION.

11:54AM 17 THE COURT: YES. IS HE STILL WORKING THERE?

11:54AM 18 PROSPECTIVE JUROR: HE'S RETIRED.

11:54AM 19 THE COURT: I SEE. AND HOW LONG AGO WAS THAT, SIR?

11:54AM 20 PROSPECTIVE JUROR: ABOUT TWO YEARS AGO.

11:54AM 21 THE COURT: OH, GREAT.

11:54AM 22 AND HE'S ENJOYING RETIREMENT NOW?

11:54AM 23 PROSPECTIVE JUROR: RIGHT.

11:54AM 24 THE COURT: OKAY. THANK YOU.

11:54AM 25 ANYONE ELSE?

11:55AM 1 I SEE NO HANDS.

11:55AM 2 HAVE YOU OR ANYONE CLOSE TO YOU EVER BEEN INVOLVED IN ANY
11:55AM 3 LITIGATION OR CLAIMS AGAINST THE UNITED STATES GOVERNMENT, THE
11:55AM 4 STATE OF CALIFORNIA, OR ANY OTHER STATE OR MUNICIPAL
11:55AM 5 ORGANIZATION?

11:55AM 6 ANYONE HAVE THOSE EXPERIENCES?

11:55AM 7 I SEE NO HANDS.

11:55AM 8 HAVING HEARD THE QUESTIONS PUT TO YOU BY THE COURT, DOES
11:55AM 9 ANY OTHER REASON SUGGEST ITSELF TO YOU AS TO WHY YOU COULD NOT
11:55AM 10 SIT ON THIS JURY AND RENDER A FAIR VERDICT BASED ON THE
11:55AM 11 EVIDENCE PRESENTED TO YOU AND IN THE CONTEXT OF THE COURT'S
11:55AM 12 INSTRUCTIONS ON THE LAW? ANYONE WHO COULD NOT DO THAT?

11:55AM 13 YES. WE'LL GET THE MICROPHONE TO YOU. THIS IS -- IS IT
11:55AM 14 14? JUROR 14.

11:55AM 15 PROSPECTIVE JUROR: YES, 14.

11:56AM 16 YES. MY CONCERN IS ENGLISH IS NOT MY FIRST LANGUAGE, AND
11:56AM 17 IT'S NOT PERFECT. THIS CASE IS SO SERIOUS, I HAVE CONCERNS
11:56AM 18 THAT, YOU KNOW, LAW TERMINOLOGY OR FINANCE TERMINOLOGY, I'M NOT
11:56AM 19 SUFFICIENT WITH THIS.

11:56AM 20 THE COURT: OKAY.

11:56AM 21 PROSPECTIVE JUROR: SO I'M REALLY NERVOUS ABOUT
11:56AM 22 THIS, BECAUSE I THINK THIS MIGHT AFFECT REALLY MY COMPREHENSION
11:56AM 23 AND THE VERDICT.

11:56AM 24 THE COURT: ALL RIGHT. THANK YOU. THANK YOU FOR
11:56AM 25 THAT.

11:56AM 1 WHAT IS YOUR FIRST LANGUAGE?

11:56AM 2 PROSPECTIVE JUROR: POLISH.

11:56AM 3 THE COURT: OKAY. THANK YOU.

11:56AM 4 AND HOW LONG HAVE YOU BEEN IN THIS COUNTRY?

11:56AM 5 PROSPECTIVE JUROR: THIRTY YEARS. SO IT'S A LOT,
11:56AM 6 30.

11:56AM 7 THE COURT: YES.

11:56AM 8 PROSPECTIVE JUROR: IT'S A LONG TIME TO LEARN
11:56AM 9 PERFECT ENGLISH. BUT I HAVE THREE KIDS AND SPENDING A LOT OF
11:57AM 10 TIME RAISING THEM, AND I SPEAK POLISH AT HOME.

11:57AM 11 AND THEN I BECAME A NANNY AND ALSO WAS TAKING CARE OF
11:57AM 12 SMALL KIDS WHO COULDN'T REALLY TEACH ME PROPER ENGLISH.

11:57AM 13 SO I'M BEING HONEST HERE.

11:57AM 14 THE COURT: NO, NO. THANK YOU FOR THAT.

11:57AM 15 IT ALLOWS ME TO TALK ABOUT SOMETHING, AND THIS IS A VERY
11:57AM 16 NATURAL QUESTION THAT GETS ASKED NOT JUST BY INDIVIDUALS WHOSE
11:57AM 17 ENGLISH IS A SECOND LANGUAGE, BUT MANY INDIVIDUALS WHO DO NOT
11:57AM 18 HAVE PROFESSIONAL, THEY DON'T HAVE A LAW DEGREE, AND THEY'RE
11:57AM 19 FEARFUL THAT THE LAWYERS AND THE COURT MAY ENGAGE, MAY TALK
11:57AM 20 ABOUT THINGS THAT -- AND USE TERMS THAT ARE DIFFICULT AND HARD
11:57AM 21 TO UNDERSTAND.

11:57AM 22 MAY I ASSURE YOU THAT THESE EXPERIENCED LAWYERS, THEY KNOW
11:57AM 23 THIS ISSUE. THEY KNOW THAT, AND THEY WANT TO MAKE, AND MY
11:57AM 24 SENSE IS THAT THEY WILL MAKE THE EVIDENCE IN THIS CASE
11:58AM 25 ACCESSIBLE TO ALL OF US, THAT IS, MAKE IT UNDERSTANDABLE.

11:58AM 1 THEY'RE NOT GOING TO USE WORDS THAT ARE THIS LONG, ABOUT
11:58AM 2 THREE FEET LONG, WHEN THEY CAN USE A WORD THAT IS ABOUT
11:58AM 3 SIX INCHES LONG. I THINK THEY KNOW THAT. I TRY TO FOLLOW
11:58AM 4 THAT, TOO.

11:58AM 5 SO I APPRECIATE YOUR CONCERN.

11:58AM 6 I HOPE I CAN, BY ME TALKING TO YOU ABOUT THIS, THAT GIVES
11:58AM 7 YOU SOME RELIEF AND YOUR COLLEAGUES SOME RELIEF THAT THIS IS
11:58AM 8 NOT AN OPPORTUNITY FOR THE LAWYERS TO USE THE LARGEST WORDS,
11:58AM 9 THE LONGEST WORDS THAT THEY CAN.

11:58AM 10 IT'S AN OPPORTUNITY FOR THEM TO MAKE WHATEVER INFORMATION
11:58AM 11 THAT THEY WANT YOU TO KNOW ACCESSIBLE SUCH THAT IT'S
11:58AM 12 UNDERSTANDABLE IN A FAIRLY EASY MANNER.

11:58AM 13 PROSPECTIVE JUROR: THANK YOU.

11:58AM 14 THE COURT: IF I WERE TO ASK THEM THAT, I THINK THEY
11:58AM 15 WOULD TELL ME, YES, THAT'S WHAT WE'RE GOING TO DO.

11:58AM 16 ALL RIGHT. THANK YOU.

11:58AM 17 CAN YOU THINK OF ANY OTHER REASON WHY YOU'RE NOT -- WHY
11:58AM 18 YOU MIGHT NOT BE ABLE TO TRY THIS CASE FAIRLY AND IMPARTIALLY
11:59AM 19 TO BOTH THE GOVERNMENT AND THE DEFENSE OR WHY YOU SHOULD NOT BE
11:59AM 20 ON THE JURY?

11:59AM 21 THE CLERK: I THINK THERE WERE A COUPLE MORE HANDS
11:59AM 22 FOR THE LAST QUESTION, YOUR HONOR.

11:59AM 23 THE COURT: ALL RIGHT. LET'S SEE THAT.

11:59AM 24 PROSPECTIVE JUROR: JUROR 42.

11:59AM 25 THE COURT: 42. THANK YOU.

11:59AM 1 PROSPECTIVE JUROR: SO I STOPPED WORKING IN, LIKE,
11:59AM 2 2011. I TOOK A BREAK FOR -- UNTIL NOW FOR FAMILY REASONS, AND
11:59AM 3 FOR THE PAST MONTH I HAVE BEEN LIKE APPLYING FOR JOBS, AND I
11:59AM 4 HAVE BEEN INTERVIEWING. NOW I HAVE SOME OFFERS.

11:59AM 5 BUT LOOKING AT THE SCHEDULE TODAY, LIKE, THIS IS MY FIRST
11:59AM 6 TIME ON A JURY, AND SO IT LOOKS LIKE IT'S A VERY TIGHT
11:59AM 7 SCHEDULE, AND I THINK IT'S GOING TO BE AN EXTREMELY DIFFICULT
11:59AM 8 SITUATION FOR ME TO EXPLAIN, LIKE, IF I JUST JOIN, AND THEN I
12:00PM 9 SAY THAT I HAVE THIS OBLIGATION. SO THAT'S WORRYING.

12:00PM 10 THE COURT: OKAY. THANK YOU. THANK YOU FOR SHARING
12:00PM 11 THAT.

12:00PM 12 WAS THERE ANOTHER HAND?

12:00PM 13 YES. COULD WE PASS THAT.

12:00PM 14 PROSPECTIVE JUROR: SO AT MY WORKPLACE I'M ONE OF --

12:00PM 15 THE COURT: YES. JUROR NUMBER?

12:00PM 16 PROSPECTIVE JUROR: OH, 49.

12:00PM 17 THE COURT: YES.

12:00PM 18 PROSPECTIVE JUROR: AT MY WORK I'M ONE OF TWO NATIVE
12:00PM 19 SPANISH SPEAKERS, AND WE DO A LOT OF COMMUNITY OUTREACH FOR ART
12:00PM 20 STUDENTS AND JUST, YOU KNOW, CREATIVE ACTIVITIES.

12:00PM 21 SO -- AND MY OTHER COLLEAGUE, SHE'S A WORKING MOTHER AS
12:00PM 22 WELL, SO IT WOULD BE KIND OF HARD TO FIND OTHER FLUENT SPANISH
12:00PM 23 SPEAKERS AT MY WORKPLACE. THAT'S JUST THE MAIN THING I'M
12:00PM 24 WORRIED ABOUT.

12:00PM 25 THE COURT: OKAY. THANK YOU.

12:00PM 1 AND THERE WAS SOMEONE BEHIND YOU? YES.

12:00PM 2 PROSPECTIVE JUROR: GOOD MORNING. JUROR 61.

12:00PM 3 THE COURT: YES.

12:00PM 4 PROSPECTIVE JUROR: I RESIDE IN SALINAS, WHICH WAS

12:00PM 5 VERY DIFFICULT TO GET HERE THIS MORNING. I HAVE TO LEAVE MY

12:01PM 6 13-YEAR-OLD DAUGHTER WITH MY ELDERLY PARENTS. I AM THE ONLY

12:01PM 7 ONE PROVIDING FOR THEM, SO IT'S GOING TO BE A REAL HARDSHIP TO

12:01PM 8 BE HERE AND BE CONCENTRATING.

12:01PM 9 SHE'S CURRENTLY IN MIDDLE SCHOOL, AND THEY DON'T HAVE AN

12:01PM 10 AFTER SCHOOL HOMEWORK CENTER EVERY DAY, SO IT'S REALLY

12:01PM 11 DIFFICULT FOR ME TO BE THERE FOR HER ON TIME.

12:01PM 12 I'M JUST WORRIED ABOUT HER SCHEDULE AND BEING SO FAR AWAY.

12:01PM 13 MY PARENTS DO NOT DRIVE.

12:01PM 14 THE COURT: DO YOU HAVE OTHER INDIVIDUALS, FAMILY

12:01PM 15 MEMBERS OR FRIENDS THAT CAN ASSIST?

12:01PM 16 PROSPECTIVE JUROR: NO, WE DON'T.

12:01PM 17 THE COURT: OKAY.

12:01PM 18 PROSPECTIVE JUROR: WE ARE ACTUALLY IN A TRANSFER --

12:01PM 19 SHE'S ON A TRANSFER TO THE SCHOOL THAT SHE ATTENDS, SO I DON'T

12:01PM 20 HAVE CLOSE RELATIVES OR FRIENDS THAT CAN HELP ME WITH THAT.

12:01PM 21 THE COURT: OKAY.

12:01PM 22 PROSPECTIVE JUROR: SO IT WOULD BE A HARDSHIP FOR

12:01PM 23 ME.

12:01PM 24 THE COURT: OKAY. THANK YOU.

12:01PM 25 PROSPECTIVE JUROR: THANK YOU.

12:01PM 1 THE COURT: YOU'RE WELCOME.

12:02PM 2 PROSPECTIVE JUROR: HI. JUROR 101.

12:02PM 3 THE COURT: 101, YES.

12:02PM 4 PROSPECTIVE JUROR: MY REASON IS THAT I CAN'T STAY
12:02PM 5 HERE BECAUSE I DON'T THINK I WOULD BE GOOD ON THIS CASE BECAUSE
12:02PM 6 I'M THE MOM OF THREE KIDS, YOUNG THREE KIDS, AND I NEED TO TAKE
12:02PM 7 CARE OF THEM; AND THE OWNER OF A RESTAURANT, AND I NEED TO BE
12:02PM 8 ABLE TO BE THERE TO DO MY DUTY, AND I DON'T THINK I CAN STAY
12:02PM 9 HERE BECAUSE MY DUTY IS NOT FINISHED, AND I CANNOT TAKE THE
12:02PM 10 DUTY RIGHT NOW.

12:02PM 11 IF A DIFFERENT TIME, I WILL DO IT, BUT NOT THIS TIME.
12:02PM 12 IT'S REALLY HARD FOR ME TO STAY IN HERE FOR 13 WEEKS. YEAH.

12:02PM 13 THE COURT: OKAY. THANK YOU.

12:02PM 14 ANYONE ELSE?

12:02PM 15 PROSPECTIVE JUROR: JUROR NUMBER 79.

12:02PM 16 THE COURT: YES.

12:02PM 17 PROSPECTIVE JUROR: I'M A MEDICAL SOCIAL WORKER AT A
12:02PM 18 DIALYSIS CLINIC, AND I OVERSEE APPROXIMATELY 130 PATIENTS.

12:02PM 19 OUR CLINIC IS CURRENTLY MOVING TO A DIFFERENT LOCATION, SO
12:03PM 20 I WOULD HAVE TO ASSIST MY TEAM AS WELL AS MY PATIENTS IN
12:03PM 21 GETTING THEM OVER TO THE NEW CLINIC.

12:03PM 22 I'M NOT SURE HOW FOCUSSED I WOULD BE ON THE CASE AND WORK
12:03PM 23 AT THE SAME TIME.

12:03PM 24 THE COURT: WHEN IS THE MOVE SCHEDULED?

12:03PM 25 PROSPECTIVE JUROR: SO WE ARE IN A STATE AUDIT. WE

12:03PM 1 SHOULD BE KNOWING TODAY.

12:03PM 2 AND IF IT HAPPENS -- IF WE GET CERTIFIED, THEN WE SHOULD
12:03PM 3 BE MOVING WITHIN TWO WEEKS.

12:03PM 4 THE COURT: I SEE.

12:03PM 5 AND ARE THERE OTHER MEDICAL SOCIAL WORKERS AT THE CLINIC?

12:03PM 6 PROSPECTIVE JUROR: NO. I'M THE ONLY SOCIAL WORKER.

12:03PM 7 THE COURT: I SEE.

12:03PM 8 AND ARE THERE OTHER INDIVIDUALS THAT COULD ASSIST IN THE
12:03PM 9 TRANSITION?

12:03PM 10 PROSPECTIVE JUROR: WE'RE VERY LOW IN SOCIAL WORKERS
12:03PM 11 IN THE REGION.

12:03PM 12 THE COURT: SO IS THIS A -- IT SOUNDS LIKE IS THIS A
12:03PM 13 FUNCTION WHERE YOUR INABILITY TO SERVICE YOUR CLIENTS WOULD BE
12:03PM 14 AFFECTED BY YOUR SERVICE?

12:03PM 15 PROSPECTIVE JUROR: YES.

12:03PM 16 THE COURT: OR IS IT THE MOVE ITSELF?

12:04PM 17 PROSPECTIVE JUROR: NO. BECAUSE THE -- I ALSO
12:04PM 18 ASSIST IN TRANSPORTATION, ASSIST IN APPLYING FOR
12:04PM 19 TRANSPORTATION, AND I PROVIDE CRISES INTERVENTION, AND RIGHT NOW
12:04PM 20 WORKING ON A SPECIFIC CASE THAT REQUIRES APS FOLLOWUP. SO
12:04PM 21 YEAH.

12:04PM 22 THE COURT: THANK YOU VERY MUCH. THANK YOU.

12:04PM 23 ANYONE ELSE?

12:04PM 24 YES, WE'LL GET THE MICROPHONE UP.

12:04PM 25 IS THIS JUROR 35?

12:04PM 1 PROSPECTIVE JUROR: YES. I WOULD JUST LIKE TO -- I
12:04PM 2 HAD A SUMMONS LAST YEAR FOR JURY DUTY, AND IT SAID I WAS
12:04PM 3 EXCUSED FOR TWO YEARS, SO I'M TRYING TO USE THAT AS AN EXCUSE.

12:05PM 4 BUT THE OTHER THING IS THAT I HAVE A NONREFUNDABLE PAIR OF
12:05PM 5 TICKETS FOR MY HUSBAND AND I TO SEE MY CHILDREN FOR MAY 28TH
12:05PM 6 AND THEY'RE NONREFUNDABLE.

12:05PM 7 THE COURT: AND WHEN WOULD YOU BE RETURNING?

12:05PM 8 PROSPECTIVE JUROR: JUNE 9TH.

12:05PM 9 THE COURT: AND THE JURY SERVICE, WAS THAT FROM THIS
12:05PM 10 COURT?

12:05PM 11 PROSPECTIVE JUROR: SALINAS.

12:05PM 12 THE COURT: STATE COURT, THE SUPERIOR COURT?

12:05PM 13 PROSPECTIVE JUROR: (NODS HEAD UP AND DOWN.)

12:05PM 14 THE COURT: OKAY. THANK YOU.

12:05PM 15 ANYONE ELSE?

12:05PM 16 OH, YES.

12:05PM 17 PROSPECTIVE JUROR: THANK YOU, YOUR HONOR.

12:05PM 18 MY JUROR NUMBER IS 28.

12:05PM 19 THE COURT: 38. YES, SIR.

12:05PM 20 PROSPECTIVE JUROR: 28.

12:05PM 21 THE COURT: 28.

12:05PM 22 PROSPECTIVE JUROR: YES. LIKE I SAID, I HAVE
12:05PM 23 FOLLOWED THIS FOR MANY YEARS.

12:05PM 24 THE COURT: I'M SORRY, COULD YOU SAY THAT AGAIN. I
12:06PM 25 BEG YOUR PARDON.

12:06PM 1 PROSPECTIVE JUROR: LIKE I SAID, I KNOW THIS COMPANY
12:06PM 2 FOR A LONG TIME, AND IT'S LIKE A FRAUD COMPANY.

12:06PM 3 THE COURT: SIR, I THINK I HAVE ALL OF THAT
12:06PM 4 INFORMATION. YOU'VE TOLD ME THAT BEFORE.

12:06PM 5 PROSPECTIVE JUROR: YES.

12:06PM 6 THE COURT: YES. OKAY.

12:06PM 7 PROSPECTIVE JUROR: SO IT WOULDN'T BE FAIR FOR ME TO
12:06PM 8 SIT HERE AND --

12:06PM 9 THE COURT: SIR, IS THERE -- LET ME STOP YOU, SIR.

12:06PM 10 IS THERE ANYTHING ELSE OTHER THAN WHAT YOU'VE ALREADY TOLD
12:06PM 11 ME ABOUT? THIS QUESTION IS FOR ANY OTHER REASON THAT YOU
12:06PM 12 HAVEN'T SAID BEFORE? ANYTHING ELSE?

12:06PM 13 PROSPECTIVE JUROR: WELL, I PROBABLY CARE FOR MY
12:06PM 14 90-YEAR-OLD FATHER, AND I JUST WANT TO MAKE SURE IN CASE, YOU
12:06PM 15 KNOW, HE HAS LIKE HEART DISEASE, SO IN CASE OF SOMETHING WRONG
12:06PM 16 SO ALLOW ME TO, YOU KNOW, TAKE A QUICK GO HOME AND COME BACK.

12:06PM 17 THE COURT: I SEE. YOU WANT TO BE ABLE TO CARE FOR
12:06PM 18 YOUR FATHER IF THE NEED ARISES?

12:06PM 19 PROSPECTIVE JUROR: YEAH, IN CASE SOMETHING HAPPENS.

12:06PM 20 THE COURT: THANK YOU. I APPRECIATE THAT. THANK
12:06PM 21 YOU. OKAY.

12:06PM 22 OH, YES.

12:06PM 23 PROSPECTIVE JUROR: HI. I'M JUROR NUMBER 10.

12:07PM 24 THE COURT: YES.

12:07PM 25 PROSPECTIVE JUROR: I HAVE THE SAME PROBLEM WITH

12:07PM 1 ENGLISH IS MY SECOND LANGUAGE.

12:07PM 2 THE COURT: UH-HUH.

12:07PM 3 PROSPECTIVE JUROR: SO IF SOMETIMES I COULDN'T
12:07PM 4 UNDERSTAND SOME TERMINOLOGY OR SOMETHING, COULD I BRING -- DO
12:07PM 5 THEY PROVIDE AN INTERPRETER OR CAN I BRING A DICTIONARY?

12:07PM 6 THE COURT: OKAY. WELL, LET ME ASK YOU, WHAT IS
12:07PM 7 YOUR FIRST LANGUAGE?

12:07PM 8 PROSPECTIVE JUROR: MANDARIN.

12:07PM 9 THE COURT: MANDARIN?

12:07PM 10 PROSPECTIVE JUROR: YEAH.

12:07PM 11 THE COURT: AND HOW LONG HAVE YOU BEEN IN THIS
12:07PM 12 COUNTRY?

12:07PM 13 PROSPECTIVE JUROR: WELL, I HAVE BEEN HERE MORE THAN
12:07PM 14 20 YEARS.

12:07PM 15 THE COURT: YES.

12:07PM 16 PROSPECTIVE JUROR: BUT SINCE I HAVE HAD MY KIDS, I
12:07PM 17 WANTED TO LEARN MANDARIN, SO I SPEAK MANDARIN AT HOME ALL OF
12:07PM 18 THE TIME.

12:07PM 19 THE COURT: AND TELL ME, REMIND ME OF YOUR
12:07PM 20 EDUCATIONAL BACKGROUND AGAIN.

12:07PM 21 PROSPECTIVE JUROR: SORRY. I GRADUATED FROM
12:07PM 22 SAN FRANCISCO STATE UNIVERSITY.

12:07PM 23 THE COURT: YES.

12:07PM 24 PROSPECTIVE JUROR: AND I'M WORKING IN THE
12:07PM 25 ACCOUNTING DEPARTMENT FOR SEVERAL YEARS.

12:07PM 1 THE COURT: AND YOU HAVE A BACHELOR OF SCIENCE?

12:07PM 2 PROSPECTIVE JUROR: YES, B.S.

12:07PM 3 THE COURT: OKAY.

12:07PM 4 PROSPECTIVE JUROR: YES.

12:07PM 5 THE COURT: BUT WHEN DID YOU RECEIVE YOUR BACHELOR

12:07PM 6 OF SCIENCE DEGREE?

12:08PM 7 PROSPECTIVE JUROR: THIRTY YEARS AGO.

12:08PM 8 THE COURT: THIRTY YEARS AGO?

12:08PM 9 PROSPECTIVE JUROR: YES, 3-0.

12:08PM 10 THE COURT: THANK YOU.

12:08PM 11 PROSPECTIVE JUROR: YEAH.

12:08PM 12 THE COURT: ALL RIGHT. THANK YOU VERY MUCH. THANK

12:08PM 13 YOU FOR LETTING ME KNOW.

12:08PM 14 PROSPECTIVE JUROR: OKAY.

12:08PM 15 THE COURT: ANYONE ELSE?

12:08PM 16 I SEE NO HANDS.

12:08PM 17 LADIES AND GENTLEMEN, WE'RE GOING TO TAKE OUR BREAK NOW.

12:08PM 18 WE'RE GOING TO COME BACK -- OH, YES.

12:08PM 19 PROSPECTIVE JUROR: WAS THIS -- I'M SORRY.

12:08PM 20 THIS IS JUROR NUMBER 45.

12:08PM 21 THE COURT: YES.

12:08PM 22 PROSPECTIVE JUROR: WAS THIS THE SECTION TALKING

12:08PM 23 ABOUT ANY EXPERIENCES THAT WE HAVE THAT WOULD COLOR OUR ABILITY

12:08PM 24 TO BE JURORS OR OTHER COMMITMENTS THAT MIGHT INTERFERE WITH

12:08PM 25 JURY DUTY?

12:08PM 1 THE COURT: THIS WAS A BROAD QUESTION ASKING IF
12:08PM 2 THERE'S ANY OTHER REASON THAT A JUROR FEELS THAT THEY COULD NOT
12:08PM 3 SIT AS A JUROR IN THIS CASE.

12:08PM 4 PROSPECTIVE JUROR: OKAY. I HAVE ONE THAT I DON'T
12:09PM 5 KNOW QUALIFIES OR NOT. I SUPPOSE IT'S A HELL OF A WAY TO GET
12:09PM 6 OUT OF JURY DUTY, BUT I'VE VOLUNTEERED TO FIGHT WITH THE
12:09PM 7 UKRAINIAN FOREIGN REGION. SO IF I HEAR BACK FROM THE EMBASSY,
12:09PM 8 I WOULD WANT TO PICK UP AND GO TO THE UKRAINE.

12:09PM 9 I DON'T KNOW IF THAT QUALIFIES ME OR DISQUALIFIES ME AS A
12:09PM 10 JUROR.

12:09PM 11 THE COURT: OKAY. WHEN -- DO YOU HAVE ANY KNOWLEDGE
12:09PM 12 AS TO WHEN YOU MIGHT BE NOTIFIED ABOUT THAT?

12:09PM 13 PROSPECTIVE JUROR: I DO NOT KNOW. I HAVE INFORMED
12:09PM 14 THE CONSULATE, AND I HAVE ATTEMPTED TO CONTACT THE EMBASSY, BUT
12:09PM 15 I HAVE NOT HEARD BACK FROM THEM.

12:09PM 16 SO I DON'T KNOW WHETHER OR NOT THEY'RE GOING TO BE
12:09PM 17 RETURNING MY CALLS SO TO SPEAK.

12:09PM 18 THE COURT: I SEE. AND THIS IS THE UKRAINIAN
12:09PM 19 EMBASSY?

12:09PM 20 PROSPECTIVE JUROR: YES.

12:09PM 21 THE COURT: THANK YOU FOR SHARING THAT. I
12:09PM 22 APPRECIATE THAT. THANK YOU.

12:09PM 23 ALL RIGHT. YES.

12:09PM 24 PROSPECTIVE JUROR: NUMBER 60.

12:09PM 25 THE COURT: 60.

12:09PM 1 PROSPECTIVE JUROR: YES. ENGLISH IS ALSO A SECOND
12:10PM 2 LANGUAGE FOR ME, SO TO BE HONEST, ACTUALLY I DON'T UNDERSTAND
12:10PM 3 SOME TERMS.

12:10PM 4 THE COURT: ALL RIGHT. THANK YOU, SIR. I
12:10PM 5 APPRECIATE THAT. THANK YOU.

12:10PM 6 ANY -- YES.

12:10PM 7 IS THIS JUROR NUMBER 1?

12:10PM 8 PROSPECTIVE JUROR: YES. CORRECT.

12:10PM 9 YES, JUROR NUMBER 1.

12:10PM 10 IN GENERAL, I HAVE JUST STARTED A NEW JOB, AND I DON'T
12:10PM 11 HAVE THE JURY LEAVE TO, LIKE, TAKE OFF FROM THAT DURING THIS
12:10PM 12 PERIOD OF TIME.

12:10PM 13 I ALSO HAVE MILITARY DUTIES THAT WILL TAKE ME AWAY FOR AT
12:10PM 14 LEAST UNTIL APRIL 1ST IN ADDITION.

12:10PM 15 THE COURT: ARE YOU SIGNED UP TO GO TO THE UKRAINE,
12:10PM 16 SIR? ARE YOU VOLUNTEERING TO GO TO THE UKRAINE?

12:11PM 17 PROSPECTIVE JUROR: I HAVE NOT VOLUNTEERED TO GO TO
12:11PM 18 THE UKRAINE.

12:11PM 19 THE COURT: YOU'RE IN THE RESERVES.

12:11PM 20 PROSPECTIVE JUROR: YES, I AM IN THE RESERVES, AND I
12:11PM 21 HAVE A MANDATORY DUTY PERIOD ON APRIL 1ST.

12:11PM 22 THE COURT: ANYONE ELSE?

12:11PM 23 I SEE NO HANDS.

12:11PM 24 WE'RE GOING TO TAKE A BREAK NOW, LADIES AND GENTLEMEN.

12:11PM 25 WE'RE GOING TO TAKE A LUNCH BREAK.

12:11PM 1 I THINK WE WILL HAVE TO COME BACK AT 1:00 O'CLOCK, I
12:11PM 2 BELIEVE, 1:00 O'CLOCK WILL BE SUFFICIENT.

12:11PM 3 AT THAT TIME I'M GOING TO ASK THE LAWYERS IF THEY HAVE
12:11PM 4 QUESTIONS FOR YOU.

12:11PM 5 SO IF YOU COULD COLLECT YOURSELVES, PLEASE, DOWN IN THE
12:11PM 6 JURY ASSEMBLY ROOM AGAIN A LITTLE BEFORE 1:00 O'CLOCK SUCH THAT
12:11PM 7 WE COULD HAVE YOU COME UP AGAIN.

12:11PM 8 THANK YOU. I APPRECIATE YOUR PATIENCE.

12:11PM 9 COUNSEL, IF YOU COULD REMAIN. THANK YOU.

12:11PM 10 (PROSPECTIVE JURY PANEL OUT AT 12:11 P.M.)

12:12PM 11 THE COURT: ALL RIGHT. THANK YOU. PLEASE BE
12:12PM 12 SEATED.

12:12PM 13 THE RECORD SHOULD REFLECT THAT THE PROSPECTIVE PANEL HAS
12:12PM 14 LEFT, AND ALL COUNSEL AND THE DEFENDANT REMAIN.

12:12PM 15 WE'RE RUNNING A LITTLE BEHIND SCHEDULE. I THINK OUR NEXT
12:12PM 16 PANEL, THE SECOND TRANCHE, WAS SCHEDULED TO COME UP AT
12:12PM 17 1:00 O'CLOCK. SO WE'LL HAVE TO NEGOTIATE THAT WITH OUR JURY
12:13PM 18 COMMISSIONER.

12:13PM 19 WHAT I THOUGHT WE WOULD DO IS TAKE A 15 MINUTE BREAK AND
12:13PM 20 COME BACK AND TALK AND LOOK AT YOUR NOTES AND MY NOTES AND TALK
12:13PM 21 ABOUT WHAT WE SHOULD DO WITH THIS PANEL BEFORE THEY COME UP, IF
12:13PM 22 ANYTHING? WOULD THAT WORK FOR YOU?

12:13PM 23 MR. SCHENK: YES, YOUR HONOR.

12:13PM 24 MR. COOPERSMITH: YES, YOUR HONOR.

12:13PM 25 THE COURT: SO LET'S TAKE ABOUT A 20 MINUTE BREAK

12:13PM

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AND THEN WE'LL COME BACK. OKAY. THANK YOU.

12:13PM

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(LUNCH RECESS TAKEN AT 12:13 P.M.)

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AFTERNOON SESSION

(PROSPECTIVE JURY OUT AT 12:47 P.M.)

THE COURT: WE'RE OUTSIDE OF THE PRESENCE OF THE
PROSPECTIVE PANEL.

ALL PARTIES PREVIOUSLY PRESENT ARE PRESENT ONCE AGAIN,
INCLUDING MR. BALWANI.

AGAIN, THE JURORS ARE NOT PRESENT.

COUNSEL, I JUST THOUGHT WE WOULD -- WE'RE RUNNING A LITTLE
BEHIND OUR SCHEDULE. OUR SECOND PANEL IS SCHEDULED TO COME IN
AT 1:00 O'CLOCK TODAY.

WHAT I WAS THINKING OF DOING, AND I WANTED TO GET YOUR
THOUGHTS, HAVING THE 1:00 O'CLOCK PANEL I'LL CALL THEM, ALLOW
THEM TO LEAVE TODAY AND COME BACK TOMORROW MORNING, AND THEN
PUSH OUR MORNING PANEL TOMORROW UNTIL THE AFTERNOON.

LET ME TELL YOU THE BASIS OF THAT IS THAT WE WILL START
AGAIN AT 1:00 O'CLOCK. YOU'LL HAVE AN OPPORTUNITY TO VOIR
DIRE. MY SENSE IS THAT THAT IS GOING TO TAKE ABOUT AN HOUR, I
THINK, MAYBE MORE.

THEN WE MAY HAVE SOME CONVERSATIONS, SPIRITED OR NOT,
REGARDING CAUSE, AND WE'LL MAKE SOME DECISIONS.

I'M JUST TRYING TO CAPTURE A TIME ESTIMATE FOR THAT. THAT
SEEMS TO BE MAYBE 3:00 O'CLOCK THAT WE WOULD FINISH WITH THAT.

AND I'M JUST CURIOUS YOUR THOUGHTS ABOUT HAVING THE OTHER
JURORS SIT IN OUR LUXURIOUS ASSEMBLY ROOM FOR TWO HOURS AND
THEN COMING UP FOR ABOUT AN HOUR OF VOIR DIRE.

12:48PM 1 MAYBE I SHOULD HAVE PHRASED THAT A LITTLE MORE
12:48PM 2 OBJECTIVELY.

12:48PM 3 BUT WHAT ARE YOUR THOUGHTS ABOUT THAT? ANY THOUGHTS?

12:48PM 4 MR. SCHENK: YOUR HONOR, COULD I JUST HAVE ONE
12:48PM 5 MOMENT?

12:48PM 6 THE COURT: YES. SURE. WHY DON'T YOU TALK TO YOUR
12:48PM 7 TEAMS ABOUT THIS.

12:48PM 8 (DISCUSSION AMONGST COUNSEL OFF THE RECORD.)

12:49PM 9 MR. SCHENK: YOUR HONOR, THE APPROACH THE COURT HAS
12:49PM 10 OUTLINED IS PERFECTLY FINE WITH THE GOVERNMENT.

12:49PM 11 THE ONLY SUGGESTION I HAVE, AND SORT OF WONDER ALOUD, IS
12:49PM 12 IF THE OTHER PANEL IS ALREADY HERE, WE HAVE THE ABILITY TO FILL
12:49PM 13 SEATS.

12:49PM 14 I KNOW MOST OF THE TIME THE COURT DOES NOT DO THAT, BUT IF
12:49PM 15 THERE ARE JURORS THAT WE REACH AGREEMENT ON OR THE COURT MAKES
12:49PM 16 A RULING ON THAT WE'RE GOING TO EXCUSE, EVEN IF WE KEEP SOME
12:50PM 17 NUMBER OF THE JURORS THAT ARE HERE FOR THE 1:00 O'CLOCK PANEL,
12:50PM 18 WE COULD ADD THEM TO THIS VENIRE INTO THE EMPTY SEATS AND THEN
12:50PM 19 QUESTION THEM.

12:50PM 20 THE COURT: WE CAN DO THAT, BUT THEY WOULD NOT
12:50PM 21 THEN -- THAT WOULD CAUSE ME TO REPEAT MY VOIR DIRE, WOULDN'T
12:50PM 22 IT?

12:50PM 23 AND THE OTHER JURORS WOULD BE BORED TO TEARS. THAT'S JUST
12:50PM 24 A THOUGHT I HAD, RIGHT?

12:50PM 25 MR. COOPERSMITH: YOUR HONOR, A AGREE WITH THAT

12:50PM 1 STATEMENT FOR SURE.

12:50PM 2 I THINK ULTIMATELY WHAT I'M GOING TO TELL YOU IS THAT I
12:50PM 3 THINK IT MAKES SENSE TO LET THE SECOND PANEL WHO IS WAITING IN
12:50PM 4 THE JURY ROOM TO GO HOME.

12:50PM 5 BUT I DO WANT TO GIVE YOU A FEW THOUGHTS ABOUT WHY I THINK
12:50PM 6 THAT IS AND WHY I THINK THERE ARE SOME VERY GRAVE CONCERNS THAT
12:50PM 7 I HAVE ABOUT WHAT IS GOING ON.

12:50PM 8 THE COURT: WELL, WE'RE NOT -- LET'S STAY AWAY FROM
12:50PM 9 YOUR GRAVE FOR JUST A MOMENT AND TALK ABOUT WHAT WE'RE GOING TO
12:50PM 10 DO WITH THIS PANEL, THE 1:00 O'CLOCK PANEL.

12:51PM 11 MR. COOPERSMITH: THAT'S THE QUESTION, YOUR HONOR.
12:51PM 12 I THINK IT MAKES SENSE TO RELEASE THEM.

12:51PM 13 THE COURT: RIGHT. SO I LOOKED AT THE -- AS PART OF
12:51PM 14 THIS I LOOKED TO SEE THEIR RESIDENCY BECAUSE ASKING SOMEONE TO
12:51PM 15 COME FROM SALINAS TO SOLEDAD AND HAVE THEM COME BACK ANOTHER
12:51PM 16 TIME I THINK WOULD BE ASKING A LOT.

12:51PM 17 JUST A ROUGH HIGH LEVEL VIEW SUGGESTED THAT I THINK WE HAD
12:51PM 18 A COUPLE OF PEOPLE MAYBE FROM SANTA CRUZ, MAYBE APTOS.

12:51PM 19 I DON'T THINK I SAW ANYONE FROM SALINAS OR SOLEDAD OR THE
12:51PM 20 ONE FROM HOLLISTER.

12:51PM 21 SO MY CONCERN ABOUT HAVING PEOPLE TRAVEL FROM THOSE
12:51PM 22 SOUTHERN REGIONS IS NOT AS GREAT.

12:51PM 23 SO I THINK THAT'S WHAT WE'LL DO IS WE'LL ASK OUR
12:51PM 24 COMMISSIONER DOWNSTAIRS TO INFORM THE 1:00 O'CLOCK PANEL THAT
12:51PM 25 THEY SHOULD RETURN TOMORROW, AND THEY SHOULD BE READY FOR 9:00

12:52PM 1 O'CLOCK.

12:52PM 2 WOULD THAT WORK?

12:52PM 3 MR. COOPERSMITH: YOUR HONOR --

12:52PM 4 THE COURT: PARDON ME JUST A SECOND.

12:52PM 5 (DISCUSSION OFF THE RECORD.)

12:53PM 6 THE COURT: ALL RIGHT. THANK YOU. THANK YOU. I'M

12:53PM 7 SORRY.

12:53PM 8 MR. COOPERSMITH: NO PROBLEM, YOUR HONOR. THANK

12:53PM 9 YOU.

12:53PM 10 WHAT I WAS ABOUT TO TELL YOU IS THAT I HAVE A MOTION THAT

12:53PM 11 I'D LIKE TO MAKE RIGHT NOW, AND IT DOES AFFECT THE SCHEDULING

12:53PM 12 IF GRANTED.

12:53PM 13 OBVIOUSLY I DON'T KNOW WHAT WILL HAPPEN, BUT I'D LIKE TO

12:53PM 14 GO AHEAD AND TELL YOU WHAT THAT IS.

12:53PM 15 AND THE PROBLEM THAT WE HAVE HERE IS THAT WE HAVE SO MUCH

12:53PM 16 MEDIA EXPOSURE THAT PERMEATES THE JURY PANEL, AND I THINK WHAT

12:53PM 17 YOU HEARD IN RESPONSE TO YOUR QUESTION WAS REALLY JUST THE TIP

12:53PM 18 OF THE ICEBERG WHEN YOU LOOK AT THE QUESTIONNAIRES AS WELL.

12:53PM 19 AND WHAT HAS HAPPENED IS THAT IF YOU TRY TO REALLY GET TO

12:53PM 20 THE BOTTOM OF WHAT THEIR VIEWS ARE AND WHAT THEY READ AND WHY

12:53PM 21 THEY THINK WHAT THEY THINK, YOU'RE GETTING INTO THINGS THAT

12:53PM 22 TAINT THE POOL.

12:54PM 23 BUT IF YOU DON'T DO THAT, THEN YOU ONLY GET, YOU KNOW,

12:54PM 24 VERY SUPERFICIAL ANSWERS ABOUT, YOU KNOW, YES, I WOULD TRY TO

12:54PM 25 BE FAIR.

12:54PM 1 SO I THINK IN THIS CASE, OF ALL CASES, CALLS FOR A MUCH
12:54PM 2 MORE IN-DEPTH DISCUSSION WITH JURORS WHICH CAN'T BE DONE, IN
12:54PM 3 OUR VIEW, IN AN OPEN SESSION WITH THE OTHER JURORS ON THE MEDIA
12:54PM 4 QUESTIONS.

12:54PM 5 AND THE MOTION, YOUR HONOR, IS THAT I THINK WHAT HAS
12:54PM 6 ALREADY HAPPENED WITH QUITE A FEW JURORS HAS ALREADY TAINTED
12:54PM 7 THE POOL, AND MY MOTION IS TO DISMISS THE ENTIRE PANEL AND
12:54PM 8 START AGAIN WITH THE SECOND PANEL.

12:54PM 9 THE COURT: DO YOU WISH TO BE HEARD, MR. SCHENK?

12:54PM 10 MR. SCHENK: I DO.

12:54PM 11 MR. COOPERSMITH: I CAN TELL YOU WHY, YOUR HONOR.

12:54PM 12 THE COURT: WELL, I THINK YOU DID. DO YOU HAVE MORE
12:54PM 13 TO SAY?

12:54PM 14 MR. COOPERSMITH: WELL, I WANT TO TELL YOU WHAT I
12:54PM 15 THINK THE TAINT WAS.

12:54PM 16 THE COURT: I'M SORRY. I THOUGHT YOU WERE FINISHED.

12:54PM 17 MR. COOPERSMITH: AND, YOUR HONOR, I DO THIS OUT OF
12:54PM 18 TOTAL RESPECT FOR THE COURT --

12:54PM 19 THE COURT: NO, NO.

12:54PM 20 MR. COOPERSMITH: AND I HAVE A CLIENT WHOSE RIGHTS
12:54PM 21 I'M TRYING TO PROTECT.

12:54PM 22 THE COURT: AND YOU'RE DOING IT. RIGHT. I THOUGHT
12:54PM 23 YOU FINISHED.

12:54PM 24 GO AHEAD.

12:55PM 25 MR. COOPERSMITH: THANK YOU, YOUR HONOR. JUROR

12:55PM 1 NUMBER 10 SAID IT WAS IMPOSSIBLE, THE TECHNOLOGY WAS
12:55PM 2 IMPOSSIBLE, DIDN'T BELIEVE THERANOS HAD THE TECHNOLOGY. SHE
12:55PM 3 SAID THE COMPANY WAS A FRAUD. SHE SAID THAT THREE TIMES. SHE
12:55PM 4 SAID IT AFFECTED HER FAMILY'S, HIS FAMILY'S ABILITY TO BE
12:55PM 5 HEALTHY.

12:55PM 6 HE THEN REPEATED HIS BELIEF IT WAS FRAUD IN RESPONSE TO A
12:55PM 7 DIFFERENT QUESTION THAT YOUR HONOR ASKED THAT DIDN'T EVEN CALL
12:55PM 8 FOR THAT.

12:55PM 9 NUMBER 72 SAID THAT SHE FEELS A SENSE OF BETRAYAL, AND SHE
12:55PM 10 FEELS STRONGLY ABOUT THIS BECAUSE SHE HAS RESPECT FOR THE
12:55PM 11 MEDICAL COMMUNITY.

12:55PM 12 THERE ARE MULTIPLE OTHER JURORS WHO SAID THAT THEY HAVE
12:55PM 13 ALREADY DECIDED AND THEY HAVE STRONG VIEWS.

12:55PM 14 ONE JUROR, NUMBER 1, A MILITARY OFFICER, EVEN WITH HIS
12:55PM 15 TRAINING AND DISCIPLINE COULDN'T PUT ASIDE HIS BIAS.

12:55PM 16 NUMBER 49 SAID "TO BE BRUTALLY HONEST" -- I'M SORRY.
12:55PM 17 JUROR NUMBER 49 SAID "TO BE BRUTALLY HONEST," HE CAN'T PUT HIS
12:56PM 18 VIEWS ASIDE AND PART OF THAT WAS BECAUSE OF A LONG HISTORY OF
12:56PM 19 CHRONIC ILLNESS IN HIS FAMILY.

12:56PM 20 JUROR NUMBER 45 SAID HE LISTENED TO THE MEDIA AND WAS VERY
12:56PM 21 SKEPTICAL.

12:56PM 22 YOUR HONOR, I THINK THESE THINGS ARE PROBLEMATIC, AND I
12:56PM 23 THINK IT TAINTS THE POOL, AND I THINK THE ONLY WAY TO DO THIS,
12:56PM 24 AND GIVEN THE NATURE OF THE CASE AND THE FACT THAT WE'RE GOING
12:56PM 25 SECOND AND WE HAVE ALL OF THIS MEDIA COVERAGE, I THINK WE HAVE

12:56PM 1 TO DO ON THE MEDIA QUESTION INDIVIDUALIZED QUESTIONING OF EVERY
12:56PM 2 JUROR WHO HAS BEEN EXPOSED TO THE MEDIA. AND MY MOTION IS TO
12:56PM 3 EXCLUDE THIS ENTIRE PANEL AND START AGAIN WITH THE SECOND ONE.

12:56PM 4 THE COURT: OKAY. THANK YOU.

12:56PM 5 MR. SCHENK?

12:56PM 6 MR. SCHENK: YOUR HONOR, THE GOVERNMENT OBVIOUSLY
12:56PM 7 OPPOSES THAT MOTION, AND WE DO FOR SEVERAL REASONS.

12:56PM 8 FIRST, THERE HAVE BEEN MANY HIGH PROFILE CASES THAT DEAL
12:56PM 9 WITH THE SAME LEVEL OF MEDIA ATTENTION IF NOT MORE.

12:56PM 10 JUST LAST FRIDAY THE SUPREME COURT RULED IN THE TSARNAEV,
12:56PM 11 T-S-A-R-N-A-E-V, CASE, FOLLOWING THE BOSTON MARATHON BOMBING
12:57PM 12 THAT IN A UNANIMOUS DECISION, THAT THERE WERE NO PROBLEMS IN
12:57PM 13 THE JURY SELECTION PROCESS WHERE THEY DEALT WITH SIGNIFICANT
12:57PM 14 MEDIA BIAS.

12:57PM 15 THERE ARE CASES THAT OCCURRED JUST LAST YEAR IN 2021. THE
12:57PM 16 ARBERRY CASE WAS A CIVIL RIGHTS CASE FOLLOWING A STATE COURT
12:57PM 17 PROSECUTION OF A MURDER. SO MANY OF THE JURORS KNEW ABOUT THE
12:57PM 18 MURDER CONVICTION BUT THEN TRIED FEDERAL CIVIL RIGHTS CASES. I
12:57PM 19 COULD LIST ADDITIONAL EXAMPLES JUST FROM 2021.

12:57PM 20 WHAT MR. COOPERSMITH IS SAYING IS WHEN A JUROR IN THIS
12:57PM 21 COURTROOM REVEALS THEIR OPINION, THEIR KNOWLEDGE OF THE FACTS
12:57PM 22 OF THERANOS, WHAT THEY'VE READ OR HEARD, THAT THAT STATEMENT SO
12:57PM 23 INFECTS THE JURY THAT ALL OF THE REST OF THE JURORS MUST BE
12:57PM 24 EXCUSED.

12:57PM 25 MR. COOPERSMITH DOES NOT APPLY THAT LOGIC TO HIS OWN FOR

12:57PM 1 CAUSE CHALLENGES THAT HE PRESENTED TO THIS COURT.

12:57PM 2 THIS COURT WILL RECALL JUST YESTERDAY WHEN WE WERE BEFORE
12:58PM 3 YOU AND WE TALKED ABOUT JUROR NUMBER 163. 163 WAS THE JUROR
12:58PM 4 WHO WORKED WITH YOUR HONOR'S WIFE, AND MR. COOPERSMITH TOLD THE
12:58PM 5 COURT HE WAS NOT MOVING FOR CAUSE FOR THAT JUROR.

12:58PM 6 ON THAT JUROR'S QUESTIONNAIRE SHE REVEALED THAT SHE KNEW
12:58PM 7 ABOUT THERANOS FROM THE NEWS, SHE HAD OTHER KNOWLEDGE ABOUT THE
12:58PM 8 CONVICTION, SHE KNEW THAT MS. HOLMES WAS CONVICTED.

12:58PM 9 SO IT -- BUT MR. COOPERSMITH DID NOT MOVE FOR CAUSE ON
12:58PM 10 THIS JUROR.

12:58PM 11 SO IT CANNOT BE THE CASE THAT KNOWLEDGE OF PREJUDICIAL
12:58PM 12 INFORMATION, EVEN OF ONE INDIVIDUAL JUROR, IS SUFFICIENT TO
12:58PM 13 EXCLUDE THAT JUROR.

12:58PM 14 AND MR. COOPERSMITH HIMSELF KNOWS THIS TO BE TRUE BECAUSE,
12:58PM 15 AGAIN, IT ISN'T WHAT THE JUROR KNOWS. IT'S WHETHER THAT JUROR
12:58PM 16 HAS FORMED AN OPINION AND WHETHER THE BIASES FROM THAT
12:58PM 17 KNOWLEDGE WILL SO INFECT THE JUROR'S DECISION THAT HE OR SHE
12:58PM 18 CAN'T BE FAIR.

12:58PM 19 THAT'S THE QUESTION THAT WE GET AT.

12:58PM 20 SO WHEN A JUROR IN THIS COURTROOM SAYS IN THE MEDIA I
12:59PM 21 HEARD THE FOLLOWING OR MY OPINION IS THE FOLLOWING, WHICH,
12:59PM 22 FRANKLY, THE COURT HAS DONE A TERRIFIC JOB OF TRYING TO EXCLUDE
12:59PM 23 THAT FROM OCCURRING, BUT TO THE EXTENT THAT SOME JURORS HAVE
12:59PM 24 EXPRESSED KNOWLEDGE OF THE PRIOR TRIAL OR THEIR OPINION OF
12:59PM 25 THERANOS, EVEN MR. COOPERSMITH DOESN'T THINK THAT THAT'S A

12:59PM 1 SUFFICIENT BASIS TO MOVE FOR CAUSE ON INDIVIDUAL JURORS.

12:59PM 2 SO IT CERTAINLY ISN'T A BASIS TO EXCLUDE THE ENTIRE VENIRE
12:59PM 3 PANEL WHEN WE HAVE NOT HAD THE OPPORTUNITY TO ASK THEM
12:59PM 4 QUESTIONS ABOUT WHETHER THEIR OPINIONS WILL CREATE PREJUDICE OR
12:59PM 5 BIAS, WHETHER THEIR OPINIONS WILL CAUSE THEM TO RENDER AN
12:59PM 6 UNFAIR OR A PARTIAL VERDICT IN THIS CASE.

12:59PM 7 IT CERTAINLY IS NOT THE CASE THAT INDIVIDUAL JURORS, THE
12:59PM 8 ONES CITED BY MR. COOPERSMITH, INCLUDING 10 AND 49, SAID THINGS
12:59PM 9 THAT WERE SO PREJUDICIAL THAT NOW THAT KNOWLEDGE BY OTHER
12:59PM 10 JURORS HAS AFFECTED THEIR ABILITY TO ANSWER THE QUESTIONS ABOUT
12:59PM 11 WHETHER THEY CAN BE FAIR OR IMPARTIAL, BECAUSE, AGAIN, IT ISN'T
12:59PM 12 THE KNOWLEDGE THAT THE JUROR HAS. IT'S WHETHER THAT KNOWLEDGE
01:00PM 13 HAS CAUSED THEM TO FORM AN OPINION ON THE CASE SO THAT THEY
01:00PM 14 CAN'T SIT AND JUDGE THE FACTS FAIRLY, AND THERE CERTAINLY IS
01:00PM 15 NOT A SUFFICIENT RECORD TO SUGGEST THAT ALL OF THE JURORS IN
01:00PM 16 THE COURTROOM MUST BE EXCUSED BECAUSE OF THAT.

01:00PM 17 MR. COOPERSMITH: THANK YOU, YOUR HONOR.

01:00PM 18 I THINK MR. SCHENK IS MIXING A FEW DIFFERENT CONCEPTS.
01:00PM 19 WHETHER WE MOVED FOR CAUSE BASED ON THE QUESTIONNAIRE OR NOT OR
01:00PM 20 WHETHER WE THOUGHT IT WOULD TAKE SOME MORE VOIR DIRE, THAT'S A
01:00PM 21 DIFFERENT QUESTION THAN WHETHER THINGS THAT JURORS SAID DURING
01:00PM 22 THE VOIR DIRE PROCESS THIS MORNING ARE SO INFECTING THE JURY
01:00PM 23 POOL THAT THE PANEL SHOULD BE DISMISSED.

01:00PM 24 THAT'S OUR MOTION RIGHT NOW. IT'S NOT ABOUT INDIVIDUAL
01:00PM 25 JURORS BEING STRUCK FOR CAUSE, WHICH REMAINS TO BE ARGUED.

01:00PM 1 SO THERE ARE ALL OF THE JURORS ALREADY SAID THE THINGS
01:00PM 2 THAT THEY SAID.

01:00PM 3 IN ADDITION, YOUR HONOR, THE FACT THAT MULTIPLE JURORS
01:00PM 4 LIKE SAID THE SAME THING AND THERE'S A SENSE, YOU KNOW, AMONG
01:00PM 5 THE JURY PANEL THAT, OH, YEAH, MULTIPLE JURORS WHO ARE
01:01PM 6 COMPATRIOTS OF THEIRS FOR THE DAY AT LEAST ALL SEEM TO BE IN
01:01PM 7 AGREEMENT THAT THIS COMPANY IS A FRAUD, AND ITS TECHNOLOGY
01:01PM 8 DIDN'T WORK, AND IT'S A BETRAYAL, ALL OF THAT I THINK IS SO
01:01PM 9 INFECTIOUS THAT THE WHOLE PANEL SHOULD BE DISMISSED.

01:01PM 10 GOING FORWARD, YOUR HONOR, IF THE MOTION IS GRANTED, THEN
01:01PM 11 WE'RE STARTING AGAIN.

01:01PM 12 IF THE MOTION IS DENIED, THEN WITH THIS PANEL, WHEN WE GET
01:01PM 13 TO INDIVIDUAL QUESTIONING, I HAVE NO WAY TO DRAW OUT WHAT THESE
01:01PM 14 JURORS REALLY THINK, THE ONES WHO HAVE BEEN EXPOSED TO THE
01:01PM 15 MEDIA, WITHOUT GETTING INTO INDIVIDUALIZED VOIR DIRE BECAUSE
01:01PM 16 DOING IT OUT IN THE OPEN --

01:01PM 17 THE COURT: THAT WOULD BE A SOLUTION.

01:01PM 18 MR. COOPERSMITH: IT COULD BE IF THE MOTION IS
01:01PM 19 DENIED, I AGREE, YOUR HONOR.

01:01PM 20 IF THE MOTION IS GRANTED, OBVIOUSLY WE'RE UNDER A
01:01PM 21 DIFFERENT SITUATION.

01:01PM 22 FOR THE NEXT PANEL GOING FORWARD THROUGH THE COURSE OF
01:01PM 23 TODAY OR TOMORROW, WHENEVER THAT MAY OCCUR, I THINK THAT THIS
01:01PM 24 OPEN SESSION -- I UNDERSTAND THE COURT TRIED TO BE SENSITIVE --
01:01PM 25 I'M NOT CRITICIZING YOUR HONOR.

01:02PM 1 THE COURT: I UNDERSTAND. NONE TAKEN. NONE TAKEN.

01:02PM 2 MR. COOPERSMITH: RIGHT.

01:02PM 3 IT'S JUST THAT THE NATURE OF THIS THING IS WHEN YOU START

01:02PM 4 PROBING, YOU KNOW, TO ASK QUESTIONS THAT REALLY GET AT THE

01:02PM 5 BOTTOM OF THINGS, YOU HAVE THIS RISK, AND I THINK THAT IS WHAT

01:02PM 6 HAS ALREADY OCCURRED.

01:02PM 7 SO THAT'S THE MOTION, YOUR HONOR.

01:02PM 8 THE COURT: ANYTHING FURTHER?

01:02PM 9 MR. SCHENK: NO, YOUR HONOR.

01:02PM 10 THE COURT: ALL RIGHT. THANK YOU.

01:02PM 11 WELL, I UNDERSTAND YOUR CONCERN AND YOUR DESIRE TO BE

01:02PM 12 PROPHYLACTIC AS BEST YOU CAN ON THE OTHER JURORS.

01:02PM 13 I DO PART COMPANY WITH YOU THINKING THAT THERE IS SOME

01:02PM 14 MONOLITHIC IDEA FROM EVERYBODY WHO HAS BEEN HEARD ABOUT THEIR

01:02PM 15 OPINIONS AS TO THE FRAUD AND THE THIS AND THE THAT. DIFFERENT

01:02PM 16 JURORS HAVE USED THOSE TERMS, AND THE QUESTION, YOU RECALL THE

01:02PM 17 QUESTION OF THE COURT WAS "HAVE YOU HEARD, HAVE YOU HEARD OF

01:02PM 18 THINGS?"

01:02PM 19 AND THE JURORS SAID -- LET'S MAKE SURE THERE'S NO JURORS

01:02PM 20 IN HERE.

01:02PM 21 GIVE ME JUST A MOMENT.

01:03PM 22 (PAUSE IN PROCEEDINGS.)

01:03PM 23 THE COURT: THANK YOU. I THINK A PROSPECTIVE JUROR

01:03PM 24 ENTERED THE ROOM AND WE ESTABLISHED -- AND SHE'S NOW BEEN

01:03PM 25 ESCORTED OUTSIDE OF THE COURTROOM, AND THE COURT IS FREE FROM

01:03PM 1 ANY JUROR, PANEL MEMBER.

01:03PM 2 WHAT I WAS SAYING IS I DON'T THINK -- IT DOESN'T SEEM TO
01:03PM 3 ME THAT THERE'S BEEN A MONOLITHIC EXPRESSION OF EACH OF THESE
01:03PM 4 JURORS THAT THEY'RE IN SOME KIND OF CONCURRENCE AS TO ONE FRAUD
01:03PM 5 SCHEME OR SOMETHING LIKE THAT.

01:03PM 6 THEY ALL INDIVIDUALLY EXPRESSED IN DIFFERENT WAYS, "I
01:03PM 7 HEARD THIS, I HEARD THAT," AND I ASKED THEM, AND WE HAVE
01:03PM 8 VARYING RESPONSES TO THE QUESTION AS TO WHAT YOU'VE HEARD, WHAT
01:03PM 9 YOU'VE LEARNED, WHAT YOU'VE WATCHED OR LISTENED TO OR DISCUSSED
01:03PM 10 WITH FAMILY MEMBERS, HAS THAT AFFECTED YOUR ABILITY -- YOU
01:03PM 11 RECALL THAT I ASKED THAT QUESTION. AND WE RECEIVED ANSWERS,
01:04PM 12 DIFFERENT ANSWERS FROM DIFFERENT JURORS.

01:04PM 13 SO I DON'T THINK THERE'S A COLLECTIVE KNOWLEDGE, A
01:04PM 14 COLLECTIVE VOICE THAT THEY SPEAK FROM.

01:04PM 15 NOW, YOUR MOTION SUGGESTS THAT BECAUSE OF THOSE ANSWERS,
01:04PM 16 OTHER JUROR MEMBERS MAY HAVE BEEN INFECTED OR HAVE BEEN
01:04PM 17 INFECTED SUCH THAT THEY CAN'T BE FAIR BECAUSE THEY'VE HEARD
01:04PM 18 ABOUT THOSE THINGS.

01:04PM 19 BUT THEY HEARD ME IN MY PRELIMINARY COMMENTS, THEY HEARD
01:04PM 20 ME READ THE INDICTMENT, THE CHARGES. I TALKED ABOUT FRAUD. I
01:04PM 21 THINK I USED THE WORD "FRAUD" PERHAPS FOUR TIMES. I TALKED
01:04PM 22 ABOUT ELIZABETH HOLMES PERHAPS AT LEAST ONCE OR TWICE, MAYBE
01:04PM 23 THREE TIMES.

01:04PM 24 SO THAT KNOWLEDGE WAS ACQUIRED BY THEM JUST FROM THE
01:04PM 25 CHARGING DOCUMENTS AND THE NEED FOR ME TO DISCUSS THE FACTS OF

01:04PM 1 THE CASE.

01:04PM 2 SO THEY KNOW THAT.

01:04PM 3 THEIR PERSONAL VIEWS, WE'VE HEARD THAT FROM VARIOUS
01:04PM 4 INDIVIDUALS. AND I THOUGHT WHAT WE MIGHT ACCOMPLISH BEFORE WE
01:04PM 5 BRING UP THE JURY IS TO SEE WHETHER OR NOT THERE'S ANY CAUSE
01:05PM 6 CHALLENGES THAT WE SHOULD JUST DEAL WITH NOW AND EXCUSE CERTAIN
01:05PM 7 MEMBERS, AND THIS SHOULD INFORM YOU THAT I DO HAVE SOME
01:05PM 8 THOUGHTS ABOUT THAT, AND WE MIGHT BE ABLE TO PARE DOWN SOME
01:05PM 9 THINGS SO THAT WE CAN AVOID QUESTIONING OF THESE CERTAIN
01:05PM 10 JURORS.

01:05PM 11 BUT I DON'T THINK THAT -- IT DOESN'T APPEAR TO ME THAT THE
01:05PM 12 ENTIRETY OF THE PANEL IS INFECTED.

01:05PM 13 YOU RECALL THE LAST QUESTION THAT I ASKED IS, "IS THERE
01:05PM 14 ANYTHING BASED ON WHAT I'VE ASKED, ANYTHING THAT YOU'VE HEARD
01:05PM 15 SO FAR THAT YOU THINK WILL CAUSE YOU TO BE, AN INABILITY TO BE
01:05PM 16 A FAIR AND IMPARTIAL JUROR?" AND PLEASE ANSWER.

01:05PM 17 REMEMBER, WE GOT THREE RESPONSES. WE HEARD FROM WORK.
01:05PM 18 PEOPLE SAID, WELL, MY LAST CHANCE TO SAY WHY I DON'T WANT TO BE
01:05PM 19 A JUROR. WORK RELATED, CONFLICTS, DRIVING. WE HEARD ABOUT
01:05PM 20 SOMEONE FROM SALINAS WHO HAS CHILDCARE ISSUES, WORK RELATED
01:05PM 21 ISSUES, FINANCIAL ISSUES.

01:05PM 22 WHAT WE DIDN'T HEAR IS, WELL, MY MIND IS MADE UP. WHAT
01:06PM 23 I'VE HEARD, I'VE HEARD JUROR NUMBER 37, OR WHATEVER, SAY THAT
01:06PM 24 AND, YEAH, I THINK THAT'S TRUE, AND SO I CAN'T, I CAN'T BE --
01:06PM 25 WE DIDN'T HEAR THAT. THAT'S THE QUESTION THAT CALLS FOR THAT.

01:06PM 1 MAYBE I'LL RENEW THAT QUESTION WHEN THEY COME UP AGAIN AND
01:06PM 2 PERHAPS YOU'RE SUGGESTING THAT I SHOULD ASK THAT QUESTION IN
01:06PM 3 PERHAPS A MORE DIRECTIVE WAY: IS THERE ANYTHING ABOUT THE
01:06PM 4 PERSONAL COMMENTS THAT YOU'VE HEARD FROM YOUR COMMENTS THAT
01:06PM 5 CAUSES YOU TO BELIEVE THAT YOU CANNOT BE FAIR AND IMPARTIAL OR
01:06PM 6 THAT CHANGES YOUR VIEWS ABOUT THAT?

01:06PM 7 MAYBE THAT'S THE QUESTION TO ASK, AND THEN YOU CAN FOLLOW
01:06PM 8 UP.

01:06PM 9 AND THERE MAY BE SOME THAT WE'LL NEED SOME, SOME PRIVATE
01:06PM 10 CONVERSATION.

01:06PM 11 MR. COOPERSMITH: YES, YOUR HONOR, I UNDERSTAND.

01:06PM 12 SO CERTAINLY THERE ARE CERTAIN JURORS WHO HAVE --

01:06PM 13 (PAUSE IN PROCEEDINGS.)

01:06PM 14 THE COURT: GIVE ME JUST A SECOND. THANKS.

01:07PM 15 MR. COOPERSMITH: SURE, YOUR HONOR.

01:08PM 16 (PAUSE IN PROCEEDINGS.)

01:08PM 17 THE COURT: ALL RIGHT. THANK YOU. I'M SORRY FOR
01:08PM 18 THE BREAK.

01:08PM 19 MR. COOPERSMITH: THANK YOU, YOUR HONOR.

01:08PM 20 WHAT I WAS ABOUT TO SAY IS WE THINK THERE ARE CERTAIN
01:08PM 21 JURORS THAT SHOULD BE STRUCK FOR CAUSE. OBVIOUSLY THAT'S A
01:08PM 22 SUBSET OF THE WHOLE PANEL THAT WE'VE MOVED TO EXCLUDE, BUT,
01:08PM 23 YES, WHENEVER YOUR HONOR WOULD LIKE TO TAKE IT UP, WE COULD
01:08PM 24 ASSERT THOSE.

01:08PM 25 THE OTHER THING THAT I WOULD JUST LIKE TO SAY ABOUT THE

01:08PM 1 COURT'S COMMENTS IS THAT, YOU KNOW, IF THE REMEDY FOR THIS TYPE
01:08PM 2 OF THING WAS SIMPLY THE FACT THAT THE JUDGE HAS GIVEN THE
01:08PM 3 CORRECT INSTRUCTIONS ABOUT EITHER THE OTHER CASE OR KEEP AN
01:09PM 4 OPEN MIND OR NOT LETTING OTHER EVIDENCE AFFECT THEM, THEN THERE
01:09PM 5 WOULD BE NO CASE WHERE ANYTHING COULD EVER MATTER IN TERMS OF
01:09PM 6 TAINT BECAUSE WE COULD ALWAYS JUST PRESUME THEY'RE FOLLOWING
01:09PM 7 THOSE INSTRUCTIONS.

01:09PM 8 I THINK THIS IS A DIFFERENT SITUATION.

01:09PM 9 SO, AGAIN, I'M NOT GOING TO KEEP REPEATING MYSELF. THAT'S
01:09PM 10 THE MOTION.

01:09PM 11 BUT, YOUR HONOR, IF THAT'S NOT GRANTED, THEN WE DO HAVE
01:09PM 12 CERTAIN JURORS THAT SHOULD BE STRUCK FOR CAUSE. FRANKLY, THERE
01:09PM 13 ARE ALSO SOME PEOPLE WHO ARE CLAIMING HARDSHIPS OF VARIOUS
01:09PM 14 SORTS.

01:09PM 15 AND THEN GOING FORWARD BOTH WITH THE INDIVIDUAL -- WITH
01:09PM 16 THE ATTORNEY'S VOIR DIRE THAT WILL TAKE PLACE THIS AFTERNOON IF
01:09PM 17 THE MOTION WE'VE MADE IS DENIED, AND THEN GOING FORWARD
01:09PM 18 TOMORROW, WE THINK INDIVIDUALIZED VOIR DIRE IS REALLY THE ONLY
01:09PM 19 ANSWER TO THIS MEDIA EXPOSURE QUESTION TO AVOID THAT RISK OF
01:09PM 20 TAINTING THE JURY POOL, WHICH, AGAIN, WE ALREADY THINK HAPPENED
01:09PM 21 IN THIS CASE.

01:09PM 22 THE COURT: OKAY. MR. SCHENK.

01:09PM 23 MR. SCHENK: YOUR HONOR, MAYBE I SHOULD CLARIFY
01:09PM 24 BECAUSE MR. COOPERSMITH SEEMED TO THINK THAT I WAS CONFLATING
01:09PM 25 ISSUES.

01:09PM 1 MY POINT WAS THAT WHEN AN INDIVIDUAL JUROR EXPRESSES
01:10PM 2 KNOWLEDGE OF FACTS OF THE ELIZABETH HOLMES CONVICTION, FOR
01:10PM 3 INSTANCE, OR THE FACT THAT AN INDIVIDUAL JUROR BELIEVES THAT
01:10PM 4 THERANOS WAS A FRAUD, AND MR. COOPERSMITH DOESN'T MOVE FOR
01:10PM 5 CAUSE ON THAT PERSON, HOW CAN IT BE THE CASE THAT IF SOMEONE IN
01:10PM 6 OUR COURTROOM SAYS I'VE HEARD OR I'VE READ THE FOLLOWING, THAT
01:10PM 7 THAT INFECTS EVERYBODY IN THE COURTROOM TO SUCH AN EXTENT THAT
01:10PM 8 THE WHOLE PANEL HAS TO GO, AGAIN, WHEN AN INDIVIDUAL EXPRESSES
01:10PM 9 THAT VIEW IS NOT STRUCK FOR CAUSE OR MR. COOPERSMITH DOESN'T
01:10PM 10 MOVE FOR CAUSE ON THAT JUROR?

01:10PM 11 SO TO CLARIFY THAT POINT -- BUT I'M HAPPY TO MOVE TO THE
01:10PM 12 FOR CAUSE OR THE HARDSHIP CHALLENGES OF THIS PANEL.

01:10PM 13 MR. COOPERSMITH: ONE COMMENT ABOUT THAT,
01:10PM 14 YOUR HONOR.

01:10PM 15 MR. SCHENK APPARENTLY WAS ABLE TO COMB THE 200-PLUS JURY
01:10PM 16 QUESTIONNAIRES AND FIND ONE EXAMPLE WHERE I DIDN'T MOVE FOR
01:10PM 17 CAUSE AND IT'S A BIT OF A GOTCHA I GUESS, BUT THAT IS NOT WHAT
01:10PM 18 IS GOING ON HERE.

01:11PM 19 WE CERTAINLY ATTEMPTED TO MOVE FOR CAUSE ON THE BASIS OF
01:11PM 20 THE QUESTIONNAIRES, EVERY JUROR THAT GAVE AN ANSWER THAT WE
01:11PM 21 THOUGHT WAS PROBLEMATIC, INCLUDING JURORS WHO KNEW ABOUT THE
01:11PM 22 CONVICTIONS.

01:11PM 23 MR. SCHENK: YOUR HONOR, I'M SORRY. MAY I JUST HAVE
01:11PM 24 ONE MOMENT?

01:11PM 25 THE COURT: SURE.

01:11PM 1 MR. SCHENK: THERE IS A LIST OF JURORS THAT THIS
01:11PM 2 APPLIES TO. I DIDN'T COMB AND FIND ONE JUROR.

01:11PM 3 222 --

01:11PM 4 THE CLERK: EXCUSE ME. STEP OUTSIDE, SIR.

01:11PM 5 MR. SCHENK: JUROR 202, JUROR 165, JUROR 163.

01:12PM 6 I BELIEVE THAT'S IT, YOUR HONOR. IT'S NOT JUST ONE.

01:12PM 7 THE COURT: ALL RIGHT. THANK YOU FOR THAT. THE
01:12PM 8 RECORD WILL SO REFLECT.

01:13PM 9 THE FIRST JUROR I'D LIKE TO TALK WITH YOU ABOUT IS
01:13PM 10 JUROR 60. HE EXPRESSED IN THE QUESTIONNAIRE, AND THERE WAS
01:13PM 11 SOME MEDICAL ISSUES REGARDING JUROR NUMBER 60, AND WE DID HEAR
01:13PM 12 ABOUT SOME LANGUAGE ISSUES FROM JUROR 60.

01:13PM 13 AND WE WERE ABLE TO -- THIS IS ONE OF THE BENEFITS OF
01:13PM 14 HAVING THE JURORS COME IN AND HAVING AN OPPORTUNITY TO LISTEN
01:13PM 15 TO.

01:13PM 16 IT APPEARS THAT THERE'S A LANGUAGE ISSUE TO THE COURT, AND
01:13PM 17 I THOUGHT THAT I WOULD STRIKE HIM AS A HARDSHIP.

01:13PM 18 ANY OBJECTION TO THAT?

01:14PM 19 MR. SCHENK: NO OBJECTION.

01:14PM 20 MR. COOPERSMITH: YOUR HONOR, THE JUROR DIDN'T ASK
01:14PM 21 FOR A HARDSHIP DISCHARGE.

01:14PM 22 I DO NOTE THIS WAS THE SAME JUROR WHO ASKED FOR A BREAK,
01:14PM 23 AND I THINK IF YOU LOOK AT THE QUESTIONNAIRE, THE MEDICAL
01:14PM 24 ISSUES MAKE SENSE. SO ON THAT BASIS WE DO NOT OBJECT.

01:14PM 25 THE COURT: ALL RIGHT. THANK YOU.

01:14PM 1 SO JUROR 60 WILL BE EXCUSED FOR HARDSHIP.

01:14PM 2 WHAT I'M GOING TO DO IS IF WE HAVE ANY STRIKES OR I'LL ASK
01:14PM 3 THAT THE JURY COMMISSIONER BE NOTIFIED AND NOTIFY THAT JUROR
01:14PM 4 NOT TO COME UPSTAIRS AGAIN.

01:15PM 5 (PAUSE IN PROCEEDINGS.)

01:15PM 6 THE COURT: JUROR NUMBER 49. I BELIEVE THIS WAS A
01:15PM 7 JUROR WHO TALKED TO US, BUT HE REVEALED SOMETHING ABOUT HIS
01:15PM 8 MEDICAL CONDITION, AND THEN OTHER FAMILY MEMBERS.

01:15PM 9 I BELIEVE THIS WAS THE JUROR THAT ALSO INFORMED US OF
01:15PM 10 EMPLOYMENT ISSUES. I THINK HE WAS THE SPANISH LANGUAGE
01:15PM 11 EMPLOYEE AT -- IT SOUNDED LIKE A NONPROFIT.

01:15PM 12 BUT HE EXPRESSED SOME BIAS, AND I THINK I ASKED HIM, I
01:15PM 13 BELIEVE I ASKED HIM, CAN YOU SET THAT ASIDE? AND I BELIEVE HIS
01:15PM 14 ANSWER WAS I CANNOT DO SO.

01:16PM 15 SO I'M INCLINED TO STRIKE JUROR NUMBER 49 FOR CAUSE.

01:16PM 16 ANY OBJECTION?

01:16PM 17 MR. SCHENK: NO OBJECTION.

01:16PM 18 MR. COOPERSMITH: NO OBJECTION.

01:16PM 19 THE COURT: ALL RIGHT. THANK YOU.

01:16PM 20 IN REGARDS TO SPEAKING PRIVATELY, I THOUGHT WE WOULD DO
01:16PM 21 THAT WITH JUROR NUMBER 47. AND JUROR NUMBER 47 SAID "I HAVE AN
01:16PM 22 IDEA OF SOMETHING THAT I WON'T FORGET."

01:16PM 23 AND YOU RECALL I ASKED CAN YOU HAVE THAT IN YOUR MEMORY
01:16PM 24 AND PARSE IT OUT SUCH THAT YOU CAN DECIDE THE CASE WITHOUT
01:16PM 25 BENEFIT OF THAT.

01:16PM 1 HE SAID HE COULD, BUT NOTWITHSTANDING I THINK IT WOULD BE
01:16PM 2 PRUDENT TO MAKE SOME PRIVATE INQUIRY OF JUROR NUMBER 47.

01:17PM 3 (PAUSE IN PROCEEDINGS.)

01:17PM 4 THE COURT: JUROR NUMBER 61 EXPRESSED CHALLENGES
01:18PM 5 WITH TRAVEL.

01:18PM 6 THIS JUROR, I BELIEVE, IS IN THE SALINAS AREA AND HAD A
01:18PM 7 MIDDLE SCHOOL CHILD AND EXPRESSED SOME PROBLEMS WITH THAT
01:18PM 8 TRANSPORTATION AND CHILDCARE.

01:18PM 9 ANY COMMENT ABOUT THIS JUROR?

01:18PM 10 MR. SCHENK: NO OBJECTION TO EXCUSING THIS JUROR FOR
01:18PM 11 HARDSHIP.

01:18PM 12 MR. COOPERSMITH: NO OBJECTION, YOUR HONOR.

01:18PM 13 THE COURT: ALL RIGHT. THANK YOU.

01:18PM 14 JUROR 61 WILL BE EXCUSED FOR HARDSHIP.

01:18PM 15 LET ME ASK YOU YOUR THOUGHTS ABOUT JUROR 35 WHO TOLD US
01:18PM 16 THEY'RE SCHEDULED TO TRAVEL MAY 28TH TO JUNE 9TH.

01:19PM 17 (DISCUSSION OFF THE RECORD.)

01:19PM 18 MR. SCHENK: YOUR HONOR, I THINK THE CALENDAR WE
01:19PM 19 RECEIVED HAD SOME DATES AROUND MEMORIAL DAY THAT THE COURT
01:19PM 20 WOULD NOT BE IN SESSION.

01:19PM 21 I DON'T KNOW HOW MUCH OVERLAP THERE IS BETWEEN OUR DARK
01:19PM 22 DAYS AND THIS JUROR'S TRAVEL.

01:19PM 23 THE COURT: IT LOOKS LIKE SHE TOLD US SHE WOULD BE
01:19PM 24 OUT THE 28TH, I BELIEVE, THAT SATURDAY, AND THEN WOULD NOT
01:19PM 25 RETURN UNTIL THE 9TH. SO THAT WOULD BE THE SECOND WEEK OF

01:19PM 1 JUNE. IT LOOKS LIKE THAT'S A THURSDAY.

01:19PM 2 SO WE WOULD MISS MAYBE TWO DAYS OF TRIAL. THE SCHEDULE
01:20PM 3 SHOWS NOT IN SESSION ON THE 9TH, BUT ON THE 10TH. SO WE WOULD
01:20PM 4 MISS THE 7TH AND 8TH. THAT'S WHAT THE CALENDAR SHOWS
01:20PM 5 DISCUSSION.

01:20PM 6 (DISCUSSION OFF THE RECORD.)

01:20PM 7 MR. SCHENK: NO OBJECTION FROM THE GOVERNMENT FOR
01:20PM 8 EXCUSING HER.

01:20PM 9 MR. COOPERSMITH: NO OBJECTION.

01:20PM 10 THE COURT: ALL RIGHT. 35 WILL BE EXCUSED FOR
01:20PM 11 HARDSHIP.

01:21PM 12 (PAUSE IN PROCEEDINGS.)

01:21PM 13 THE COURT: I BELIEVE THOSE ARE THE INDIVIDUALS THAT
01:21PM 14 ROSE TO MY ATTENTION.

01:21PM 15 MR. COOPERSMITH: YOUR HONOR, WHILE WE'RE ON THE
01:21PM 16 SUBJECT OF HARDSHIPS, I JUST -- WE WOULD JUST BRING TO THE
01:22PM 17 COURT'S ATTENTION JUROR 31.

01:22PM 18 JUROR 31 WAS A YOUNGER GENTLEMAN WHO SAID THAT HE HAD -- I
01:22PM 19 THINK HE SAID IT WAS HIS THIRD TIME.

01:22PM 20 AND, OF COURSE, WE ALL UNDERSTAND THAT SOUNDED LIKE STATE
01:22PM 21 COURT AND THIS IS FEDERAL COURT, THAT DISTINCTION MAY BE LOST
01:22PM 22 ON HIM AT THE MOMENT.

01:22PM 23 BUT HE DID SAY HE WAS A STUDENT. I THINK HE ACTUALLY SAID
01:22PM 24 HE WAS STARTING A NEW JOB, AND HE SAID HE WAS ANNOYED.

01:22PM 25 THE COURT: HE DID SAY HE WAS ANNOYED.

01:22PM 1 MR. COOPERSMITH: HE DID.

01:22PM 2 THE COURT: I'M SURE THERE WERE OTHERS IN THE
01:22PM 3 COURTROOM THAT WERE ALSO ANNOYED.

01:22PM 4 MR. COOPERSMITH: I HAVE NO DOUBT.

01:22PM 5 THE COURT: SO PERHAPS WE SHOULD -- I DON'T THINK
01:22PM 6 THERE'S REASON TO EXCUSE HIM. I HEARD SOMEBODY TALK RECENTLY
01:22PM 7 ABOUT A GOOD SOCIAL STUDIES AND CIVICS SESSION, SO THAT COMES
01:22PM 8 TO MIND. I'M NOT GOING TO EXCUSE HIM.

01:22PM 9 MR. COOPERSMITH: I GUESS HIS ISSUE WAS HOW MANY
01:22PM 10 TIMES LIGHTNING COULD STRIKE HIM BUT -- RIGHT.

01:22PM 11 THE COURT: THANK YOU. THANK YOU FOR DRAWING THAT
01:22PM 12 TO MY ATTENTION.

01:22PM 13 MR. COOPERSMITH: ALL RIGHT. AND I THINK THERE'S
01:22PM 14 ANOTHER ONE, YOUR HONOR. DID WE TALK ABOUT 14? THIS WAS THE
01:23PM 15 JUROR WHO WAS SEATED IN THE BACK WHO ALSO SAID SHE HAD SOME
01:23PM 16 ISSUES WITH LANGUAGE. I THINK SHE SAID HER NATIVE LANGUAGE WAS
01:23PM 17 POLISH.

01:23PM 18 THE COURT: SHE HAD BEEN HERE FOR 30 YEARS, I
01:23PM 19 BELIEVE.

01:23PM 20 MR. COOPERSMITH: SHE DID SAY THAT, YOUR HONOR.

01:23PM 21 THE COURT: RIGHT.

01:23PM 22 MR. SCHENK, DO YOU WISH TO BE HEARD?

01:23PM 23 MR. SCHENK: I CERTAINLY DIDN'T OBSERVE THROUGH HER
01:23PM 24 ABILITY TO ANSWER YOUR QUESTIONS OR IN HER QUESTIONNAIRE
01:23PM 25 LANGUAGE ISSUES.

01:23PM 1 SHE SAID SHE HAD A DOCTOR NOTE ABOUT A FINGER ISSUE, BUT I
01:23PM 2 DIDN'T NOTICE IT TO BE AN ISSUE THAT WOULD REQUIRE HER TO BE
01:23PM 3 EXCUSED FOR HARDSHIP.

01:23PM 4 SO THE GOVERNMENT DOES NOT HAVE A MOTION FOR JUROR NUMBER
01:23PM 5 14.

01:23PM 6 MR. COOPERSMITH: AND THERE MAY HAVE BEEN ONE MORE,
01:23PM 7 YOUR HONOR. I THINK IT WAS JUROR 42 IF I'M NOT MISTAKEN.

01:24PM 8 THE COURT: I'M NOT SURE WE TALKED WITH 42.

01:24PM 9 YES, I THINK SHE WAS WORKING.

01:24PM 10 MR. COOPERSMITH: EXACTLY. SHE SAID SHE STOPPED
01:24PM 11 WORKING OUTSIDE OF THE HOME IN 2011, AND SHE HAD BEEN
01:24PM 12 INTERVIEWING FOR A NEW JOB AND SHE HAD OFFERS, AND SHE SAID IT
01:24PM 13 WOULD BE DIFFICULT FOR HER TO ACCEPT ONE OF THOSE OFFERS IF
01:24PM 14 THERE WAS GOING TO BE A DELAY, AT LEAST THAT'S WHAT I TOOK AWAY
01:24PM 15 FROM IT.

01:24PM 16 THE COURT: RIGHT.

01:24PM 17 MR. SCHENK: WE DON'T HAVE A MOTION FOR HARDSHIP FOR
01:24PM 18 THIS JUROR, YOUR HONOR.

01:24PM 19 THE COURT: IN THE QUESTIONNAIRE IN QUESTION 8 IT
01:24PM 20 SAYS, "I'M LOOKING FOR A JOB BUT I CAN RESCHEDULE INTERVIEWS AS
01:25PM 21 NECESSARY."

01:25PM 22 MAYBE WHAT SHE'S TOLD US THIS MORNING IS IN THE INTERIM
01:25PM 23 SHE'S BEEN HIRED OR OFFERED A JOB SINCE?

01:25PM 24 MR. COOPERSMITH: YES, YOUR HONOR. I'M NOT SURE.

01:25PM 25 BUT SHE CLEARLY SAID SHE HAD OFFERS IS HOW I WROTE IT

01:25PM 1 DOWN, SO THAT WAS THE ISSUE.

01:25PM 2 THE COURT: SO SHE FILLED OUT HER QUESTIONNAIRE ON
01:25PM 3 MARCH 3RD. MAYBE WE CAN INQUIRE A LITTLE BIT MORE ABOUT THAT.

01:25PM 4 MR. COOPERSMITH: YES, YOUR HONOR. I WASN'T TRYING
01:25PM 5 TO INTERRUPT ANYONE.

01:25PM 6 28, PUTTING ASIDE --

01:25PM 7 THE CLERK: HE'S NOT A JUROR.

01:25PM 8 MR. COOPERSMITH: I'LL START AGAIN.

01:25PM 9 YOUR HONOR, WITH RESPECT TO NUMBER 28, PUTTING ASIDE THE
01:26PM 10 MYRIAD CAUSE ISSUES, HE ALSO SAID THAT HE HAD TO CARE FOR HIS
01:26PM 11 90-YEAR-OLD FATHER.

01:26PM 12 THE COURT: RIGHT.

01:26PM 13 MR. COOPERSMITH: SO THAT WOULD BE THE HARDSHIP
01:26PM 14 ISSUE.

01:26PM 15 THE COURT: I MISSED 28, AND I DO THINK THAT -- I
01:26PM 16 JUST DON'T THINK REHABILITATION OF THIS JUROR WOULD BE
01:26PM 17 FRUITFUL, AND I WAS GOING TO STRIKE HIM FOR CAUSE.

01:26PM 18 MR. SCHENK: NO OBJECTION.

01:26PM 19 MR. COOPERSMITH: NO OBJECTION.

01:26PM 20 THE COURT: THANK YOU FOR REMINDING ME OF THAT
01:26PM 21 JUROR.

01:26PM 22 WELL, THAT EXHAUSTS THE OBVIOUS, IF YOU WILL, JURORS THAT
01:26PM 23 I WANTED TO BRING TO YOUR ATTENTION THAT I THOUGHT SHOULD BE
01:26PM 24 STRICKEN FOR CAUSE OR HARDSHIP AT THIS POINT.

01:27PM 25 AS TO YOUR MOTION TO STRIKE THE ENTIRETY OF THE PANEL, I'M

01:27PM 1 GOING TO RESPECTFULLY DECLINE YOUR INVITATION TO DO SO,
01:27PM 2 MR. COOPERSMITH.

01:27PM 3 I UNDERSTAND THE CONCERN YOU HAVE THAT THE PANEL MIGHT BE
01:27PM 4 INFECTED BY ANSWERS FROM SOME OF THE JURORS.

01:27PM 5 I DID TRY TO CONTROL THAT AS BEST I COULD. SOME JURORS --
01:27PM 6 JUROR 28 CAUSED ME TO INTERRUPT HIM TO STOP HIM.

01:27PM 7 BUT I DO NOT THINK -- IT DOESN'T APPEAR TO ME THAT JUST
01:27PM 8 BASED ON THE RESPONSES TO THE QUESTIONS OF WHAT HAVE YOU HEARD?
01:27PM 9 WE HAD ONE JUROR TALK ABOUT WHAT HER PERSONAL BELIEF IS, AND
01:27PM 10 THEN SHE SAID, WELL, ONCE SHE UNDERSTOOD THE CONCEPT, I BELIEVE
01:27PM 11 SHE RESPONDED FAVORABLY TO JURY SERVICE, ONCE SHE UNDERSTOOD
01:27PM 12 THAT.

01:27PM 13 AND OTHER JURORS FOLLOWED SUIT. THEY SHARED WITH US WHAT
01:28PM 14 THEY KNEW, WHAT THEY'D HEARD, EVEN THEIR OPINIONS, BUT THEN IN
01:28PM 15 ANSWER TO MY QUESTIONS THEY SAID THEY COULD BE FAIR.

01:28PM 16 I'M SURE YOU MIGHT HAVE SOME FOLLOW-UP QUESTIONS ON THAT.
01:28PM 17 AND THIS MIGHT BE THE TIME WHERE IF, IN FACT, YOU FEEL IT'S
01:28PM 18 APPROPRIATE TO HAVE A PRIVATE COLLOQUY, WE CAN EXPLORE THAT.

01:28PM 19 MR. COOPERSMITH: YES, YOUR HONOR. I UNDERSTAND.

01:28PM 20 PUTTING ASIDE THE MOTION, WHICH I UNDERSTAND THE COURT HAS
01:28PM 21 DENIED, WE DO THINK EVERY JUROR WHO HAS INDICATED ON THE
01:28PM 22 QUESTIONNAIRE THAT THEY HAVE HAD MEDIA EXPOSURE NEEDS TO BE
01:28PM 23 QUESTIONED INDIVIDUALLY.

01:28PM 24 WE ALSO HAVE A NUMBER OF JURORS JUST BASED ON THE COMMENTS
01:28PM 25 ALREADY THAT HAVE BEEN MADE BY THEM DURING THE COURT'S VOIR

01:28PM 1 DIRE THAT SHOULD BE STRUCK FOR CAUSE IN ADDITION.

01:28PM 2 WE CAN GO THROUGH THIS NOW OR WE CAN GO THROUGH THIS
01:28PM 3 LATER, WHATEVER THE COURT WISHES, BUT WE DO HAVE THAT.

01:28PM 4 THE COURT: OKAY. NO. I THINK I SHOULD LET YOU
01:28PM 5 HAVE YOUR VOIR DIRE BEFORE WE DO A FINAL CAUSE IN TOTO, BECAUSE
01:28PM 6 YOU MIGHT HAVE SOME SIMILAR OBSERVATIONS, AND YOU MIGHT WANT AN
01:29PM 7 OPPORTUNITY TO EXPLORE DURING YOUR VOIR DIRE, AND I WANT TO
01:29PM 8 GIVE YOU THAT OPPORTUNITY.

01:29PM 9 MR. COOPERSMITH: THANK YOU, YOUR HONOR.

01:29PM 10 WITH RESPECT TO HOW TO PROCEED, I CAN JUST SAY CANDIDLY
01:29PM 11 THAT WHEN I DO QUESTION CERTAIN JURORS, I DO WANT TO DRAW THEM
01:29PM 12 OUT IF THEY'VE BEEN EXPOSED TO THE MEDIA TO HAVE THEM EXPLAIN
01:29PM 13 WHAT THEY UNDERSTOOD, WHAT THEY TOOK AWAY FROM IT, WHY THEY
01:29PM 14 HAVE THE BELIEF IF THEY HAVE A BELIEF.

01:29PM 15 I THINK IT'S GOING TO BE VERY DIFFICULT TO DO THAT.

01:29PM 16 THE COURT: SIR, ARE YOU A PROSPECTIVE JUROR IN THE
01:29PM 17 CASE?

01:29PM 18 AUDIENCE: NO.

01:29PM 19 THE COURT: THANK YOU.

01:29PM 20 MR. COOPERSMITH: THANK YOU, YOUR HONOR.

01:29PM 21 IT'S GOING TO BE, I WOULD SAY, IMPOSSIBLE TO DO THAT IN A
01:29PM 22 WAY THAT I THINK IS NECESSARY WITHOUT --

01:29PM 23 THE COURT: RISK TAINING THE JURY PANEL.

01:29PM 24 MR. COOPERSMITH: RIGHT. YOU COULD, YOU KNOW,
01:29PM 25 CAREFULLY ASK QUESTIONS AND YOU COULD EVEN SAY, YOU KNOW,

01:29PM 1 PREFACE YOUR QUESTION "PLEASE DON'T TELL ME WHAT YOU REALLY
01:29PM 2 THINK," BUT THAT DEFEATS THE WHOLE PURPOSE OF THE QUESTIONING.

01:30PM 3 THE COURT: SURE. WELL, YOU'RE SKILLED LAWYERS.
01:30PM 4 LET ME GIVE YOU THE OPPORTUNITY TO ADVANCE THAT, TO QUESTION
01:30PM 5 WITH DELICACY AND SEE IF YOU CAN GET WHAT YOU NEED THROUGH THAT
01:30PM 6 PROCESS, AND LET'S SEE HOW SUCCESSFUL THAT IS.

01:30PM 7 AND THEN IF YOU FEEL -- IF EITHER OF YOU FEEL YOU NEED TO
01:30PM 8 HAVE SOME ADDITIONAL DISCOURSE WITH A JUROR IN A PRIVATE
01:30PM 9 SETTING, WE CAN -- MAYBE WE'LL TAKE IT UP.

01:30PM 10 MR. COOPERSMITH: YES, YOUR HONOR, IT SOUNDS LIKE
01:30PM 11 JUROR 47 WAS THE ONE THAT FOR THE MOMENT.

01:30PM 12 THE COURT: I THINK SO. WHAT MY INTENT IS, IS TO
01:30PM 13 CALL HIM UP NOW BEFORE THE OTHERS, AND WE CAN HAVE A
01:30PM 14 CONVERSATION WITH HIM.

01:30PM 15 WOULD THAT WORK FOR YOU, MR. COOPERSMITH?

01:30PM 16 MR. COOPERSMITH: YES, YOUR HONOR.

01:30PM 17 THE COURT: LET'S DO THAT.

01:30PM 18 ANYTHING ELSE, THOUGH, BEFORE WE DO THAT? ANYTHING ELSE
01:30PM 19 ABOUT THE BALANCE?

01:30PM 20 MR. SCHENK: NO, YOUR HONOR.

01:30PM 21 MR. COOPERSMITH: NO, YOUR HONOR.

01:30PM 22 THE COURT: THANK YOU. AND I THINK WHAT WE'VE ALL
01:30PM 23 REALIZED IS THAT THIS JURY SELECTION IS VERY DIFFERENT THAN ANY
01:30PM 24 OTHER CASE. THERE'S BEEN A VERY HEAVILY PUBLICIZED CODEFENDANT
01:31PM 25 CASE THAT PRECEDED THIS ONE THAT CREATED GREAT PUBLICITY AND

01:31PM 1 IT -- WHAT WE'RE LEARNING IS MANY MEMBERS OF THE COMMUNITY HAVE
01:31PM 2 SEEN, HEARD, LISTENED TO, OR TALKED AND DISCUSSED THAT OTHER
01:31PM 3 CASE.

01:31PM 4 WHAT WE'RE TRYING TO DISCERN IS WHAT IS THE LEVEL OF THAT
01:31PM 5 KNOWLEDGE AND HOW AND IF THAT KNOWLEDGE WILL IMPAIR THEIR
01:31PM 6 ABILITY TO BE FAIR AND IMPARTIAL TO BOTH SIDES IN THIS CASE.

01:31PM 7 AND IT'S GOING TO TAKE SOME TIME. I THINK WE SET OPENINGS
01:31PM 8 FOR NEXT TUESDAY, I BELIEVE. I HOPE THAT'S NOT AMBITIOUS.

01:31PM 9 BUT WE HAVE SOME TIME.

01:31PM 10 MR. COOPERSMITH: YOUR HONOR, I REALLY APPRECIATE
01:31PM 11 THAT.

01:31PM 12 I THINK THAT GETTING THIS RIGHT IS OBVIOUSLY IMPORTANT TO
01:31PM 13 EVERYBODY. WE WOULD LIKE TO GET THE TRIAL MOVING AS WELL, BUT
01:31PM 14 THIS IS AN IMPORTANT PROCESS.

01:31PM 15 THE COURT: NO. IT'S A CRITICAL PHASE I THINK IS
01:31PM 16 WHAT THEY CALL IT.

01:32PM 17 MR. COOPERSMITH: YES, YOUR HONOR.

01:32PM 18 THE COURT: OKAY. LET'S BRING UP 47, THEN, AND
01:32PM 19 WE'LL --

01:32PM 20 (PAUSE IN PROCEEDINGS.)

01:32PM 21 THE COURT: WE RECEIVED A REPORT FROM OUR JURY
01:32PM 22 COMMISSIONER THAT THE JURY IS DOWNSTAIRS AND ONE OF OUR JURORS
01:32PM 23 EXPERIENCED -- WE DON'T HAVE A DOCTOR ON STAFF -- BUT IT LOOKS
01:32PM 24 LIKE A PANIC ATTACK, ANXIETY, SEVERE ANXIETY, AND IT SEEMS TO
01:33PM 25 ME JUST BASED ON THE REPORTS THAT I HAVE HEARD THAT MAYBE IT'S

01:33PM 1 APPROPRIATE TO EXCUSE THIS JUROR AS WELL. IT'S JUROR 73.

01:33PM 2 MR. SCHENK: NO OBJECTION. IT LOOKS LIKE IN THE
01:33PM 3 QUESTIONNAIRE THERE'S A REFERENCE TO CERTAIN MEDICATION THAT
01:33PM 4 THE JUROR TOOK. IT SEEMS APPROPRIATE. THANK YOU.

01:33PM 5 MR. COOPERSMITH: YOUR HONOR, FIRST OF ALL, I'M
01:33PM 6 SORRY TO HEAR ABOUT THAT, ABOUT THAT JUROR, AND WE HAVE NO
01:33PM 7 OBJECTION.

01:33PM 8 THE COURT: THANK YOU. WE'LL EXCUSE JUROR NUMBER
01:33PM 9 73, PLEASE.

01:34PM 10 LET'S TAKE A FIVE MINUTE BREAK WHILE THIS JUROR COMES UP,
01:35PM 11 AND THEN WE'LL PROCEED.

01:35PM 12 (RECESS FROM 1:35 P.M. UNTIL 1:38 P.M.)

01:38PM 13 THE COURT: PLEASE BE SEATED. THANK YOU. THANKS.
01:38PM 14 IT'S NOT NECESSARY.

01:38PM 15 (PROSPECTIVE JUROR NUMBER 47 IN COURT.)

01:42PM 16 THE COURT: LET'S GO BACK ON THE RECORD. ALL
01:42PM 17 COUNSEL ARE PRESENT. MR. BALWANI IS PRESENT.

01:42PM 18 ALSO JUROR NUMBER 47 IS PRESENT.

01:42PM 19 SIR, GOOD AFTERNOON. WE BROUGHT YOU BACK UP AHEAD OF YOUR
01:42PM 20 COLLEAGUES DOWNSTAIRS.

01:42PM 21 I DID WANT TO ASK YOU SOME QUESTIONS OUTSIDE OF THE
01:42PM 22 PRESENCE OF YOUR OTHER COLLEAGUES, BUT IN FRONT OF THESE
01:42PM 23 LAWYERS AND THEIR TEAMS ABOUT I RECALL THIS MORNING YOU TALKED
01:42PM 24 IN RESPONSE TO A QUESTION I HAD YOU SAID YOU HAD AN IDEA OF
01:42PM 25 SOMETHING THAT YOU WON'T FORGET, AND THEN YOU AND I DISCUSSED,

01:42PM 1 WOULD YOU BE ABLE TO PUT THAT ASIDE AND DECIDE THIS CASE JUST
01:42PM 2 ON THE EVIDENCE HERE?

01:42PM 3 BUT I DID WANT TO GIVE YOU AN OPPORTUNITY TO SHARE WITH US
01:43PM 4 THAT EXPERIENCE AND TO EXPLAIN FURTHER ABOUT WHY IT'S MEMORABLE
01:43PM 5 AND HOW YOU'LL BE ABLE TO PARSE THAT OUT FROM YOUR JURY
01:43PM 6 SERVICE.

01:43PM 7 PROSPECTIVE JUROR: WELL, WHAT I WAS GOING TO SAY IS
01:43PM 8 THAT IN THE HOLMES TRIAL THEY TRIED TO BLAME HIM TO GET HER
01:43PM 9 OFF, THAT'S THE ONLY POINT.

01:43PM 10 THE COURT: OKAY. THAT'S THE INFORMATION THAT
01:43PM 11 YOU --

01:43PM 12 PROSPECTIVE JUROR: THAT'S THE INFORMATION THAT IS
01:43PM 13 IN MY MIND.

01:43PM 14 THE COURT: I SEE. OKAY.

01:43PM 15 AND THE SOURCE OF THAT INFORMATION IS NEWS MEDIA?

01:43PM 16 PROSPECTIVE JUROR: YEAH, NEWS MEDIA.

01:43PM 17 THE COURT: OKAY. I SEE. SO THAT'S WHAT YOU
01:43PM 18 LEARNED FROM THE MEDIA.

01:43PM 19 AND YOU RESPONSIBLY ANSWERED MY QUESTION.

01:43PM 20 THAT WAS THE QUESTION, WASN'T IT, WHAT HAVE YOU HEARD IN
01:43PM 21 THE NEWS OR HAVE YOU HEARD ANYTHING ABOUT THE NEWS, ABOUT THIS
01:43PM 22 CASE, THAT'S WHAT YOU HEARD IN RESPONSE TO THAT QUESTION.

01:43PM 23 PROSPECTIVE JUROR: RIGHT.

01:43PM 24 THE COURT: AND LET ME ASK YOU THE FOLLOW-UP
01:44PM 25 QUESTION AGAIN. IS THERE ANYTHING ABOUT THAT -- WHAT YOU'VE

01:44PM 1 HEARD AND WHAT YOU'VE DESCRIBED FOR US YOU'VE HEARD THAT YOU
01:44PM 2 THINK WILL IMPAIR, AFFECT YOUR ABILITY TO BE FAIR AND IMPARTIAL
01:44PM 3 TO BOTH SIDES IN THIS CASE?

01:44PM 4 PROSPECTIVE JUROR: TO BE CANDID, IT DEPENDS ON THE
01:44PM 5 TESTIMONY, I GUESS, AND WHO'S GIVING IT, WHETHER I CAN TAKE IT
01:44PM 6 AT FACE VALUE OR NOT.

01:44PM 7 THE COURT: OKAY. WELL, LET ME TELL YOU, ONE THING
01:44PM 8 THAT -- I'LL GIVE YOU AN INSIGHT INTO JURY SERVICE. YOU HEARD
01:44PM 9 ME TALK ABOUT INSTRUCTIONS, AND I WILL INSTRUCT YOU ON THE LAW.

01:44PM 10 PROSPECTIVE JUROR: YES.

01:44PM 11 THE COURT: AND YOU HEARD ME TALK ABOUT YOU AS A
01:44PM 12 JUROR BEING A JUDGE OF THE FACTS.

01:44PM 13 PROSPECTIVE JUROR: YES.

01:44PM 14 THE COURT: AND ONE OF THE PRINCIPLES OF LAW THAT I
01:45PM 15 WILL INSTRUCT YOU ON IS YOUR DUTY AND YOUR ABILITY TO JUDGE AND
01:45PM 16 WEIGH THE CREDIBILITY OF WITNESSES WHO TESTIFY. THAT'S PART OF
01:45PM 17 YOUR JOB. AND THERE ARE MANY THINGS THAT YOU CAN CONSIDER.
01:45PM 18 THERE'S AN INSTRUCTION THAT GIVES YOU SOME ADVICE AS TO
01:45PM 19 INSTRUCTIONS AS TO WHAT YOU MAY CONSIDER, WHETHER A PARTY HAS
01:45PM 20 AN INTEREST IN THE CASE, WHETHER THEIR DEMEANOR WHILE THEY
01:45PM 21 TESTIFY, WHETHER THEY'VE TESTIFIED IN A DIFFERENT MANNER OR
01:45PM 22 SAID SOMETHING DIFFERENTLY AT A DIFFERENT TIME, THOSE TYPES OF
01:45PM 23 THINGS.

01:45PM 24 SO THOSE ARE THE KIND OF THINGS THAT YOU CAN CONSIDER WHEN
01:45PM 25 YOU HEAR EVIDENCE.

01:45PM 1 WHAT I'M INTERESTED TO KNOW IS WHETHER OR NOT YOU CAN PUT
01:45PM 2 ASIDE WHAT YOU HEARD IN THE MEDIA AND DECIDE THIS CASE SOLELY
01:45PM 3 ON THE EVIDENCE HERE AS YOU WEIGH THE EVIDENCE?

01:45PM 4 I'M NOT GOING TO TELL YOU HOW TO DECIDE, BUT I JUST NEED
01:46PM 5 TO ENSURE THAT YOU'LL DECIDE THIS CASE, IF YOU'RE A JUROR, JUST
01:46PM 6 ON WHAT YOU HEAR, SEE IN THIS COURTROOM AND NOT ON ANYTHING
01:46PM 7 ELSE THAT YOU BRING TO IT FROM OTHER SOURCES.

01:46PM 8 PROSPECTIVE JUROR: UM, I'VE BEEN INVOLVED IN
01:46PM 9 COURTROOMS BEFORE, AND IN RESPONSE TO YOUR QUESTION, I WOULD
01:46PM 10 HEAR SOMETHING FROM A WITNESS WHICH MEANT SOMETHING TO ME BUT
01:46PM 11 MIGHT NOT MEAN THE SAME THING TO SOMEONE ELSE.

01:46PM 12 AND THAT'S OBVIOUSLY THE BIASES THAT WE ALL HAVE. SO I
01:46PM 13 DON'T KNOW IF THE QUESTION IS TRYING TO RUN THE FOUR MINUTE
01:46PM 14 MILE OR WHAT.

01:46PM 15 THE COURT: WELL, YOU LOOK LIKE YOU HAVE A BETTER
01:47PM 16 CHANCE OF RUNNING A FOUR MINUTE MILE THAN I DO, SIR. LET ME
01:47PM 17 JUST START THERE.

01:47PM 18 PROSPECTIVE JUROR: I'M 81 YEARS OLD, SIR, I DON'T
01:47PM 19 THINK SO.

01:47PM 20 THE COURT: WELL, YOU'RE IN GOOD SHAPE.

01:47PM 21 BUT LET ME -- I JUST WANT TO TRY TO CAPTURE, WE ALL BRING
01:47PM 22 OUR BIASES, WE BRING INFORMATION FROM OUTSIDE WITH US, WE JUST
01:47PM 23 DO. THAT'S THE NATURE OF BEING IN OUR COMMUNITIES AND HAVING
01:47PM 24 ACCESS TO SO, SO MUCH INFORMATION NOW.

01:47PM 25 IT BECOMES CRITICAL IN A CASE WHEN THERE HAS BEEN

01:47PM 1 PUBLICITY ABOUT A CERTAIN CASE AND INDIVIDUALS INVOLVED IN IT,
01:47PM 2 AND THEN CALLING MEMBERS OF THE COMMUNITY LIKE YOURSELF IN AND
01:47PM 3 ASKING THEM PERHAPS A HERCULEAN TASK TO PUT ASIDE EVERYTHING
01:47PM 4 THAT YOU'VE HEARD AND NOT USE THAT AS YOU DECIDE WHAT HAPPENED
01:47PM 5 IN THIS CASE.

01:48PM 6 PROSPECTIVE JUROR: WELL, WHAT I'M TRYING TO SAY IS
01:48PM 7 THAT I WILL PUT ASIDE, BUT I CAN'T GUARANTEE I WON'T HEAR
01:48PM 8 SOMETHING DIFFERENT, INTERPRET WHAT I HEAR DIFFERENTLY THAN
01:48PM 9 SOMEBODY ELSE BECAUSE OF MY EXPERIENCES.

01:48PM 10 THE COURT: OKAY. SO THAT --

01:48PM 11 PROSPECTIVE JUROR: I DON'T THINK ANYBODY ELSE CAN,
01:48PM 12 EITHER, I GUARANTEE THAT.

01:48PM 13 THE COURT: WELL, THAT RAISES AN INTERESTING POINT.

01:48PM 14 PART OF THE JURY DELIBERATIONS IS JUST THAT, IT'S A
01:48PM 15 DELIBERATIVE PROCESS, WHICH MEANS THAT -- AND I WILL INSTRUCT
01:48PM 16 THE JURORS THAT EVERY JUROR MUST SHARE THEIR THOUGHTS, AND THE
01:48PM 17 THOUGHTS MIGHT BE DIFFERENT, THE SAME, SIMILAR, AND THAT'S HOW
01:48PM 18 THAT DECISION HOPEFULLY IS REACHED BY THE JUROR, BY SHARING
01:48PM 19 THEIR THOUGHTS, I HEARD THIS, I HEARD THAT, I BELIEVE THIS, I
01:48PM 20 BELIEVE THAT, SHARING THOSE THOUGHTS AND SEEING IF A DECISION
01:48PM 21 CAN BE REACHED UNANIMOUSLY AS TO A QUESTION THAT IS PUT BEFORE
01:48PM 22 THE JURY.

01:48PM 23 SO THAT'S PART OF IT IS SHARING YOUR THOUGHTS.

01:48PM 24 THE ISSUE THAT WE HAVE HERE IS WHETHER OR NOT THAT
01:49PM 25 DELIBERATIVE PROCESS, WHETHER OR NOT YOU'LL BE ABLE TO JUST

01:49PM 1 SHARE YOUR THOUGHTS, OPINIONS ABOUT THE EVIDENCE THAT YOU HEARD
01:49PM 2 HERE AND NOT, NOT SAY, WELL, THAT PERSON SAID IN THE NEWSPAPER
01:49PM 3 THIS AND NOW THEY'RE SAYING THIS.

01:49PM 4 PROSPECTIVE JUROR: NO, I WOULDN'T RELY ON THAT.

01:49PM 5 THE COURT: RIGHT. THAT'S THE CONCERN THAT I HAVE
01:49PM 6 AND I THINK THESE LAWYERS HAVE AS WELL.

01:49PM 7 IS THAT SOMETHING THAT YOU CAN REFRAIN FROM DOING?

01:49PM 8 PROSPECTIVE JUROR: YEAH. NO. I WILL BASE IT ON --

01:49PM 9 THE COURT: OKAY.

01:49PM 10 PROSPECTIVE JUROR: -- WHAT HAPPENS IN THE COURT.

01:49PM 11 THE COURT: OKAY. I'M GOING TO LET THESE LAWYERS
01:49PM 12 ASK YOU SOME QUESTIONS NOW JUST ABOUT THIS TOPIC, IF THEY HAVE
01:49PM 13 ANY, AND I'LL ASK MR. SCHENK TO GO FIRST IF HE HAS ANY
01:49PM 14 QUESTIONS.

01:49PM 15 MR. SCHENK: NOTHING FURTHER. THANK YOU.

01:49PM 16 MR. COOPERSMITH: THANK YOU, YOUR HONOR. I HAVE
01:49PM 17 JUST A FEW QUESTIONS.

01:49PM 18 THE COURT: SURE.

01:49PM 19 MR. COOPERSMITH: IF I TURN MY BACK TO YOUR HONOR,
01:49PM 20 IT'S NOT OUT OF ANY DISRESPECT.

01:49PM 21 THE COURT: IT WOULDN'T BE THE FIRST TIME THAT
01:49PM 22 PEOPLE TURN THEIR BACK ON ME, MR. COOPERSMITH. NOT A PROBLEM.

01:50PM 23 MR. COOPERSMITH: THANK YOU, YOUR HONOR.

01:50PM 24 SIR, I'M JEFF COOPERSMITH. I REPRESENT MR. BALWANI.

01:50PM 25 THANK YOU FOR YOUR TIME TODAY AND SERVING AS A JUROR AT LEAST

01:50PM 1 TODAY AND MAYBE GOING FORWARD.

01:50PM 2 I WANTED TO JUST ASK YOU A FEW QUESTIONS. AND I HAVE YOUR
01:50PM 3 QUESTIONNAIRE IN MY HAND THAT YOU FILLED OUT LAST WEEK.

01:50PM 4 PROSPECTIVE JUROR: YEP.

01:50PM 5 MR. COOPERSMITH: THE FIRST QUESTION IS THAT YOU PUT
01:50PM 6 DOWN SOME OF THE MEDIA THAT YOU FOLLOWED, AND I'M TRYING TO
01:50PM 7 READ THE HANDWRITING.

01:50PM 8 PROSPECTIVE JUROR: I'M SORRY ABOUT THAT.

01:50PM 9 MR. COOPERSMITH: THAT'S OKAY. MINE IS WORSE.

01:50PM 10 THE COURT: MR. COOPERSMITH, I'M GOING TO INVITE
01:50PM 11 JUROR NUMBER 47 TO TAKE A SEAT THERE. IF SOMEONE WANTS TO PUT
01:50PM 12 THAT SEAT -- RIGHT HERE IN FRONT HERE IF THAT'S MORE
01:50PM 13 CONVENIENT.

01:50PM 14 MR. COOPERSMITH: THANK YOU, YOUR HONOR.

01:50PM 15 THE COURT: YOU BET.

01:50PM 16 MR. COOPERSMITH: THE "SAN JOSE MERCURY NEWS," IS
01:50PM 17 THAT ONE OF THE SOURCES?

01:50PM 18 PROSPECTIVE JUROR: YES.

01:50PM 19 MR. COOPERSMITH: AND THEN VARIOUS OTHER NEWS
01:50PM 20 PROGRAMS THAT YOU TUNE INTO FROM TIME TO TIME?

01:50PM 21 PROSPECTIVE JUROR: YES, I WATCH THE NEWS EVERY DAY.

01:50PM 22 MR. COOPERSMITH: AND I THINK YOU SAID YOU GOT SOME
01:50PM 23 NEWS FROM APPLE AND "THE NEW YORK TIMES" AS WELL?

01:50PM 24 PROSPECTIVE JUROR: RIGHT, BOTTOM LINE.

01:50PM 25 MR. COOPERSMITH: AND DID YOU FOLLOW ALL OF THE

01:51PM 1 SOURCES FOR NEWS ABOUT THE THERANOS CASE?

01:51PM 2 PROSPECTIVE JUROR: I DON'T KNOW IF IT'S ALL OF
01:51PM 3 THEM.

01:51PM 4 MR. COOPERSMITH: BUT SOME OF THEM?

01:51PM 5 PROSPECTIVE JUROR: SOME OF THEM, YES.

01:51PM 6 MR. COOPERSMITH: OKAY. AND DOES THE SOURCE OF YOUR
01:51PM 7 KNOWLEDGE OF THE CASE COME FROM THOSE OR FROM OTHER THINGS LIKE
01:51PM 8 TALKING TO FAMILY OR FRIENDS OR ANYTHING LIKE THAT?

01:51PM 9 PROSPECTIVE JUROR: NO, JUST FROM NEWS SOURCES.

01:51PM 10 MR. COOPERSMITH: OKAY. YOU WROTE IN YOUR
01:51PM 11 QUESTIONNAIRE THAT YOU WERE AWARE OF SOMETHING ABOUT THE CASE,
01:51PM 12 AND I JUST WANT TO FIND THAT QUESTION.

01:51PM 13 YES. IN QUESTION 40 THE QUESTION WAS "DO YOU KNOW OR HAVE
01:51PM 14 YOU HEARD ANYTHING ABOUT THE DEFENDANT, RAMESH "SUNNY" BALWANI?
01:51PM 15 AND YOUR ANSWER WAS, "YES, HOLMES BLAMED HIM"?

01:51PM 16 PROSPECTIVE JUROR: THAT'S EXACTLY WHAT I WAS
01:51PM 17 REFERRING TO BEFORE.

01:51PM 18 MR. COOPERSMITH: RIGHT.

01:51PM 19 PROSPECTIVE JUROR: THE NEWS REPORTS WERE THAT HER
01:52PM 20 DEFENSE WAS THAT HE WAS THE ONE RUNNING THE SHOW, BUT SHE WAS
01:52PM 21 INNOCENT BECAUSE SHE WAS INFLUENCED BY HIM.

01:52PM 22 MR. COOPERSMITH: THANK YOU.

01:52PM 23 PROSPECTIVE JUROR: THAT'S WHAT THE NEWS REPORT WAS.

01:52PM 24 MR. COOPERSMITH: YES. I'VE HEARD THAT AS WELL.

01:52PM 25 WAS THERE ANY MORE DETAIL ABOUT THAT? DO YOU KNOW EXACTLY

01:52PM 1 WHAT SHE SAID, YOU KNOW, IN TERMS OF HOW IT WAS MR. BALWANI'S
01:52PM 2 FAULT ACCORDING TO MS. HOLMES?

01:52PM 3 PROSPECTIVE JUROR: NOT THAT I RECALL.

01:52PM 4 MR. COOPERSMITH: DID YOU HEAR ANYTHING MORE ABOUT
01:52PM 5 THE NATURE OF THEIR RELATIONSHIP OR ANYTHING LIKE THAT?

01:52PM 6 PROSPECTIVE JUROR: YEAH. THEY HAD AN AFFAIR.

01:52PM 7 MR. COOPERSMITH: ANYTHING MORE ABOUT THAT WHETHER
01:52PM 8 THERE WAS ANYTHING MORE ABOUT THE RELATIONSHIP, ANYTHING COMES
01:52PM 9 TO MIND ABOUT THE NEWS REPORTS?

01:52PM 10 PROSPECTIVE JUROR: NO.

01:52PM 11 MR. COOPERSMITH: DID YOU FORM, FROM WATCHING THE
01:52PM 12 NEWS MEDIA OR LISTENING TO THE NEWS MEDIA, READING OR WATCHING,
01:52PM 13 DID YOU FORM ANY OPINION ABOUT MR. BALWANI'S GUILT OR INNOCENCE
01:52PM 14 OR ANYTHING OF THAT NATURE?

01:53PM 15 PROSPECTIVE JUROR: UM, I GUESS I HAVE TO SAY YES.

01:53PM 16 MR. COOPERSMITH: AND WHAT WAS YOUR VIEW YOU FORMED
01:53PM 17 BASED ON --

01:53PM 18 PROSPECTIVE JUROR: WELL, THERE WAS SOME DEGREE
01:53PM 19 BECAUSE OF HIS POSITION.

01:53PM 20 MR. COOPERSMITH: CAN YOU EXPLAIN THAT A LITTLE
01:53PM 21 MORE. WHAT IS THE GUILT THAT COMES FROM HIS POSITION?

01:53PM 22 PROSPECTIVE JUROR: WELL, OKAY. IN THE HOLMES TRIAL
01:53PM 23 SHE WAS FOUND GUILTY OF CERTAIN ISSUES, AND THE COMPANY WAS
01:53PM 24 GUILTY OF THOSE ISSUES.

01:53PM 25 AND SINCE HE IS ASSOCIATED WITH THE COMPANY AND IN A

01:53PM 1 POSITION OF POWER IN THE COMPANY, THAT WOULD -- WELL, WE SAY
01:53PM 2 ONE STRIKE. NOT OUT, BUT ONE STRIKE.

01:53PM 3 DO YOU UNDERSTAND? OKAY.

01:53PM 4 MR. COOPERSMITH: YES, SIR.

01:53PM 5 JUST A RELATED QUESTION. IN PARAGRAPH -- QUESTION 59 OF
01:54PM 6 THE QUESTIONNAIRE THERE WAS A QUESTION ABOUT WHETHER IT SAYS IN
01:54PM 7 OUR JUSTICE SYSTEM EVERY DEFENDANT IS PRESUMED INNOCENT.

01:54PM 8 AND THE QUESTION WAS DO YOU SIMPLY -- DO YOU BELIEVE THAT
01:54PM 9 SIMPLY BECAUSE A PERSON HAS BEEN CHARGED WITH A CRIME, THAT
01:54PM 10 PERSON, AND IT HAS A BOX TO CHECK, AND YOU CHECKED "PROBABLY IS
01:54PM 11 GUILTY."

01:54PM 12 DO YOU RECALL THAT, SIR?

01:54PM 13 PROSPECTIVE JUROR: YES, I THINK I DO.

01:54PM 14 MR. COOPERSMITH: AND WHAT YOU JUST SAID ABOUT
01:54PM 15 LEARNING THE RESULT OF THE HOLMES CASE, IS THAT WHY YOU CHECKED
01:54PM 16 THAT BOX?

01:54PM 17 PROSPECTIVE JUROR: WELL, THE REASON I CHECKED THAT
01:54PM 18 OFF IS BECAUSE THAT'S WHAT I BELIEVE, THAT NOT -- AND IT'S NOT
01:54PM 19 ABSOLUTELY. IT'S PROBABLY. AND THAT MEANS THAT THE
01:54PM 20 AUTHORITIES DON'T JUST RANDOMLY PICK PEOPLE TO BRING TO COURT.
01:54PM 21 THEY BRING PEOPLE THAT THEY THINK ARE GUILTY OF THE CRIME OR IF
01:55PM 22 THEY DON'T SPEND ALL OF THIS MONEY. SO IT DOESN'T MEAN THAT
01:55PM 23 THEY'RE GUILTY, BUT IT PUTS IN MY MIND THAT IT'S PROBABLY THE
01:55PM 24 CASE.

01:55PM 25 MR. COOPERSMITH: AND IN THE CASE OF MR. BALWANI, DO

01:55PM 1 YOU BELIEVE THAT IT'S PROBABLY THE CASE BECAUSE OF WHAT YOU
01:55PM 2 HEARD ABOUT THE OTHER CASE INVOLVING MS. HOLMES?

01:55PM 3 PROSPECTIVE JUROR: YES.

01:55PM 4 MR. COOPERSMITH: AND I KNOW, AS JUDGE DAVILA TOLD
01:55PM 5 YOU, IT'S IMPORTANT TO FOLLOW THE COURT'S INSTRUCTIONS AND ALL
01:55PM 6 OF THAT --

01:55PM 7 PROSPECTIVE JUROR: AND PUT ALL OF THAT ASIDE, I
01:55PM 8 UNDERSTAND.

01:55PM 9 MR. COOPERSMITH: AND THAT IS THE INSTRUCTION THAT
01:55PM 10 YOU GET AND JURORS ARE CERTAINLY SUPPOSED TO FOLLOW, BUT IN
01:55PM 11 YOUR CASE, SIR, DO YOU THINK THAT WE, AS A DEFENSE REPRESENTING
01:55PM 12 MR. BALWANI, WOULD BE STARTING A LITTLE BIT BEHIND THE START
01:55PM 13 LINE WITH YOU GIVEN THE KNOWLEDGE THAT YOU HAVE ABOUT THAT
01:55PM 14 CASE?

01:55PM 15 PROSPECTIVE JUROR: UM, YES. I'M UNDER OATH, I'VE
01:55PM 16 GOT TO SAY YES.

01:55PM 17 MR. COOPERSMITH: THANK YOU. I APPRECIATE THAT.

01:55PM 18 AND IS THERE ANY WAY THAT YOU COULD REALLY PUT ALL OF THAT
01:55PM 19 OUT OF YOUR MIND, SIR?

01:55PM 20 PROSPECTIVE JUROR: AS I SAID, IT'S NOT OVER UNTIL
01:55PM 21 IT'S OVER. SO STARTING FROM BEHIND, AND IT DOESN'T MEAN THAT
01:56PM 22 YOU'RE GOING TO LOSE THE RACE, YOU KNOW?

01:56PM 23 MR. COOPERSMITH: RIGHT. SO DO YOU FEEL THAT IN
01:56PM 24 THAT REGARD, SIR, WE WOULD HAVE TO PRESENT SOME PRETTY STRONG
01:56PM 25 EVIDENCE FOR YOU TO END UP BELIEVING THAT MR. BALWANI --

01:56PM 1 PROSPECTIVE JUROR: I WOULD THINK YOU WOULD, YES.

01:56PM 2 MR. COOPERSMITH: OKAY.

01:56PM 3 ONE LAST QUESTION, SIR. I THINK YOU SAID YOU HAD A

01:56PM 4 VACATION COMING UP IN JUNE. I JUST WANTED TO ASK YOU --

01:56PM 5 PROSPECTIVE JUROR: I HAVE A VACATION IN APRIL,

01:56PM 6 JUNE, AND AUGUST THAT I'VE SPENT MONEY ON ALREADY.

01:56PM 7 MR. COOPERSMITH: OKAY.

01:56PM 8 PROSPECTIVE JUROR: I'M NOT GOING TO BE HAPPY HERE.

01:56PM 9 (LAUGHTER.)

01:56PM 10 MR. COOPERSMITH: WELL, I'M NOT SURE IF ANY OF US

01:56PM 11 ARE NECESSARILY, SIR.

01:56PM 12 BUT DO YOU THINK THAT THIS IS GOING TO BE A PROBLEM FOR

01:56PM 13 YOU FINANCIALLY OR OTHERWISE IF YOU HAVE TO MISS THESE

01:56PM 14 VACATIONS?

01:56PM 15 PROSPECTIVE JUROR: IT WILL BE A FAMILY PROBLEM, I

01:56PM 16 GUARANTEE.

01:56PM 17 MR. COOPERSMITH: YES.

01:56PM 18 PROSPECTIVE JUROR: I GUESS WE CAN GET MOST OF OUR

01:56PM 19 MONEY BACK ANYWAY.

01:56PM 20 MR. COOPERSMITH: OKAY. AND I THINK YOU SAID THAT

01:57PM 21 YOU DIDN'T HAVE A VACATION IN TWO YEARS.

01:57PM 22 PROSPECTIVE JUROR: WELL, WITH THE FAMILY, YES.

01:57PM 23 MR. COOPERSMITH: WITH THE FAMILY.

01:57PM 24 PROSPECTIVE JUROR: UH-HUH.

01:57PM 25 MR. COOPERSMITH: OKAY. ANYTHING ELSE THAT YOU

01:57PM 1 THINK WOULD BE IMPORTANT THAT WE SHOULD KNOW WHILE YOU'RE HERE
01:57PM 2 ANSWERING QUESTIONS?

01:57PM 3 PROSPECTIVE JUROR: WELL, LET ME JUST REVIEW WHERE
01:57PM 4 WE ARE SO FAR.

01:57PM 5 HAVING THE JURORS COME IN AT 8:00 O'CLOCK IN THE MORNING
01:57PM 6 AND HAVE THEM SIT FOR TWO HOURS, AND THEN SIT AND SIT AND SIT.
01:57PM 7 AND I KNOW THAT THINGS GO SLOWLY, BUT IT'S VERY FRUSTRATING AND
01:57PM 8 DOESN'T PUT US IN A GOOD FRAME OF MIND, AND WE'RE LOOKING AT
01:57PM 9 13 WEEKS OF IT.

01:57PM 10 MR. COOPERSMITH: YES, I UNDERSTAND, SIR. I'M VERY
01:57PM 11 SORRY ABOUT THAT.

01:57PM 12 PROSPECTIVE JUROR: IT'S NOT YOU.

01:57PM 13 MR. COOPERSMITH: OKAY. THANK YOU FOR YOUR TIME,
01:57PM 14 SIR.

01:58PM 15 PROSPECTIVE JUROR: OKAY.

01:58PM 16 THE COURT: MR. SCHENK, ANY QUESTIONS?

01:58PM 17 MR. SCHENK: NO, YOUR HONOR. THANK YOU.

01:58PM 18 THE COURT: SIR, I JUST HAVE A -- I KNOW YOU TOLD
01:58PM 19 MR. COOPERSMITH THAT HIS TEAM STARTS BEHIND BASED ON WHAT
01:58PM 20 YOU'VE HEARD AND ALL OF THAT. I APPRECIATE YOUR CANDOR ON
01:58PM 21 THAT.

01:58PM 22 COULD YOU FOLLOW THE INSTRUCTIONS OF THE COURT IF THE
01:58PM 23 COURT INSTRUCTED YOU THAT MR. BALWANI IS PRESUMED INNOCENT?

01:58PM 24 PROSPECTIVE JUROR: YES.

01:58PM 25 THE COURT: DO YOU FEEL THAT HE'S GUILTY AS HE SITS

01:58PM 1 IN FRONT OF YOU TODAY?

01:58PM 2 PROSPECTIVE JUROR: YES.

01:58PM 3 THE COURT: YOU DO.

01:58PM 4 PROSPECTIVE JUROR: YES. ON SOMETHING. I DON'T

01:58PM 5 KNOW THE DETAILS OF THE CHARGES OR ANYTHING.

01:58PM 6 THE COURT: OKAY.

01:58PM 7 PROSPECTIVE JUROR: BUT YES.

01:58PM 8 THE COURT: AND YOU'RE AWARE THAT THIS COUNTRY, OUR

01:58PM 9 COUNTRY, AN INDIVIDUAL IS PRESUMED TO BE INNOCENT?

01:58PM 10 PROSPECTIVE JUROR: YES.

01:58PM 11 THE COURT: RIGHT. AND NOTWITHSTANDING THAT YOU'RE

01:59PM 12 IN A COURT OF LAW, AND THE CASE HAS NOT EVEN STARTED YET,

01:59PM 13 YOU'RE NOT A JUROR YET, BUT CAN YOU LOOK AT MR. BALWANI AND

01:59PM 14 PRESUME HIM TO BE INNOCENT?

01:59PM 15 PROSPECTIVE JUROR: I'M SORRY.

01:59PM 16 THE COURT: OR IS THAT TOO HARD FOR YOU TO DO?

01:59PM 17 PROSPECTIVE JUROR: NO. I WOULD HOPE THAT HE IS

01:59PM 18 NOT.

01:59PM 19 THE COURT: OKAY.

01:59PM 20 PROSPECTIVE JUROR: BUT I HAVE TO TELL YOU THE

01:59PM 21 TRUTH.

01:59PM 22 THE COURT: AND WE ALL ARE GRATEFUL FOR THAT. THANK

01:59PM 23 YOU SO MUCH. THANK YOU.

01:59PM 24 PROSPECTIVE JUROR: OKAY.

01:59PM 25 THE COURT: ANYTHING FURTHER, MR. SCHENK?

01:59PM 1 MR. SCHENK: NO. THANK YOU.

01:59PM 2 THE COURT: ANYTHING FURTHER, MR. COOPERSMITH?

01:59PM 3 MR. COOPERSMITH: NO. THANK YOU.

01:59PM 4 THE COURT: THANK YOU, SIR. YOU CAN JUST LEAVE THE

01:59PM 5 MICROPHONE ON THE CHAIR THERE, AND WE'LL COLLECT IT. THANK

01:59PM 6 YOU.

01:59PM 7 AND YOU CAN STEP OUTSIDE IF YOU WOULD, PLEASE, SIR, AND

01:59PM 8 WE'LL CALL YOU BACK IN.

01:59PM 9 PROSPECTIVE JUROR: OH, SO JUST WAIT HERE?

01:59PM 10 THE COURT: YES. THANK YOU.

01:59PM 11 (PROSPECTIVE JUROR 47 WAS OUT AT 1:59 P.M.)

01:59PM 12 THE COURT: THE RECORD SHOULD REFLECT THAT THE JUROR

02:00PM 13 HAS LEFT THE COURTROOM, AND ALL PARTIES PREVIOUSLY PRESENT ARE

02:00PM 14 PRESENT.

02:00PM 15 MR. SCHENK?

02:00PM 16 MR. SCHENK: WE EXCUSE HIM FOR CAUSE.

02:00PM 17 MR. COOPERSMITH: THANK YOU.

02:00PM 18 THE COURT: AND WE'LL EXCUSE HIM FOR CAUSE. THANK

02:00PM 19 YOU.

02:00PM 20 AND CAN WE BRING UP THE BALANCE OF THE PANEL NOW,

02:00PM 21 MR. COOPERSMITH?

02:00PM 22 MR. COOPERSMITH: YES, YOUR HONOR.

02:00PM 23 THE ONLY THING THAT I'LL SAY IS THAT I THINK THAT WAS VERY

02:00PM 24 PRODUCTIVE, AND I APPRECIATE YOUR HONOR BRINGING NUMBER 47 UP.

02:00PM 25 I THINK THAT PROCESS DOES PROMOTE SIMILAR CANDOR FROM THE

02:00PM 1 JURORS, AND I'LL JUST COMMENT ON THAT.

02:00PM 2 THE COURT: I THINK THAT WAS ALL OF OUR
02:00PM 3 OBSERVATIONS, AND WE'LL SEE HOW THAT DEVELOPS. THANK YOU.

02:00PM 4 ANYTHING FURTHER FROM YOUR TEAM?

02:00PM 5 MR. SCHENK: NO. THANK YOU.

02:00PM 6 THE COURT: ALL RIGHT. WE'LL BRING THE PANEL UP NOW
02:00PM 7 AND INSTRUCT THE COMMISSIONER TO EXCUSE THE INDIVIDUALS THAT WE
02:00PM 8 HAVE TAKEN ACTION ON.

02:00PM 9 (RECESS FROM 2:00 P.M. UNTIL 2:02 P.M.)

02:02PM 10 THE COURT: SO WHEN THE PANEL COMES UP, I'LL ASK IF
02:02PM 11 THE PANEL HAS YOUR VOIR DIRE, AND THEN YOU'LL GO FIRST,
02:02PM 12 MR. SCHENK, AND THEN YOU, MR. COOPERSMITH.

02:02PM 13 MR. SCHENK: THANK YOU, YOUR HONOR.

02:02PM 14 THE COURT: I MIGHT ASK THEM ONE OTHER QUESTION
02:02PM 15 BEFORE I TURN THEM OVER TO YOU.

02:02PM 16 THE QUESTION -- I MIGHT ASK THEM THE QUESTION, BASED ON
02:02PM 17 ANYTHING THAT THEY'VE HEARD, ANY ANSWER THAT THEY'VE HEARD FROM
02:02PM 18 ANY FELLOW JURORS, WHETHER OR NOT THAT ANSWER FROM ANOTHER
02:02PM 19 JUROR CAUSES THEM ANY CONCERN AS TO WHETHER THEY CAN BE FAIR
02:02PM 20 AND IMPARTIAL?

02:02PM 21 I THINK I'LL ASK THAT QUESTION AND THEN TURN IT OVER TO
02:03PM 22 YOU FOR VOIR DIRE.

02:03PM 23 MR. SCHENK: ONE OTHER THING, YOUR HONOR.

02:03PM 24 I DON'T KNOW IF THE COURT INFORMED THE JURORS THAT THEY
02:03PM 25 SHOULD NOT DISCUSS THE CASE WHEN THEY'RE OUT ON BREAKS.

02:03PM 1 THE COURT: I DIDN'T. THANK YOU.

02:03PM 2 MR. COOPERSMITH: YOUR HONOR, ONE OTHER THING THAT
02:03PM 3 OCCURS TO ME IN THAT REGARD, AND I MAY HAVE MISSED IT, BUT DID
02:03PM 4 THE COURT INSTRUCT THE JURORS THAT FROM HENCEFORTH THEY
02:03PM 5 SHOULDN'T BE GOOGLING OR RESEARCHING OR READING ANYTHING
02:03PM 6 OUTSIDE?

02:03PM 7 THE COURT: I DON'T THINK I DID THAT YET, NO.
02:03PM 8 THAT'S USUALLY SOMETHING THAT IS IN THE PRELIMINARY
02:03PM 9 INSTRUCTIONS, BUT IT MIGHT BE SOMETHING THAT I'LL NEED TO
02:03PM 10 INCORPORATE OWING TO THE LENGTH OF OUR PROCESS HERE.

02:03PM 11 MR. COOPERSMITH: THANK YOU.

02:08PM 12 (RECESS TAKEN AT 2:03 P.M. UNTIL 2:08 P.M.)

02:08PM 13 (PROSPECTIVE JURY PANEL IN AT 2:08 P.M.)

02:08PM 14 THE COURT: PLEASE BE SEATED. WE'RE PRESENT AND ALL
02:08PM 15 PARTIES PREVIOUSLY PRESENT ARE PRESENT AGAIN. MR. BALWANI IS
02:08PM 16 PRESENT.

02:08PM 17 LADIES AND GENTLEMEN, THANK YOU FOR YOUR PATIENCE. THIS
02:08PM 18 IS TAKING A LITTLE BIT LONGER THAN WE HAD THOUGHT, BUT I
02:08PM 19 APPRECIATE YOUR PATIENCE IN THIS REGARD.

02:08PM 20 I DO -- BEFORE I TURN IT OVER TO COUNSEL, I DO HAVE
02:08PM 21 ANOTHER QUESTION THAT I'D LIKE TO POSE TO YOU, AND THAT IS THE
02:08PM 22 FOLLOWING: I'M CURIOUS AS TO WHETHER OR NOT ANYTHING YOU'VE
02:08PM 23 HEARD FROM THE ANSWERS OF YOUR COLLEAGUES, YOUR FELLOW JURORS
02:08PM 24 IN RESPONSE TO QUESTIONS POSED BY ME, IS THERE ANYTHING FROM
02:08PM 25 THOSE ANSWERS THAT YOU'VE HEARD THAT YOU THINK WOULD CAUSE AN

02:08PM 1 INABILITY FOR YOU TO BE FAIR AND IMPARTIAL AS A JUROR IN THIS
02:09PM 2 CASE?

02:09PM 3 THIS IS, AGAIN, IN RELATION TO THE ANSWERS THAT YOU'VE
02:09PM 4 HEARD FROM OTHER INDIVIDUALS.

02:09PM 5 LET ME BE CLEAR, THE ANSWERS THAT I'M CURIOUS ABOUT ARE
02:09PM 6 ALSO ANSWERS THAT SOME OF YOUR COLLEAGUES HAVE REPORTED IN
02:09PM 7 REGARDS TO INFORMATION THAT OTHER JURORS HAVE HEARD, READ,
02:09PM 8 LISTENED TO OR DISCUSSED WITH OTHER INDIVIDUALS. YOU'VE HEARD
02:09PM 9 THAT QUESTION ASKED AND VARIOUS PEOPLE HAVE ANSWERED WHAT
02:09PM 10 THEY'VE READ, WHAT THEY'VE HEARD, WHAT THEY'VE DISCUSSED.

02:09PM 11 THIS QUESTION HAVING HEARD THAT FROM OTHER INDIVIDUALS,
02:09PM 12 THAT IS, NOT INFORMATION THAT YOU HAVE PERSONALLY READ, HEARD
02:09PM 13 ABOUT, OR DISCUSSED, BUT HAVING OTHERS AND THE CONTENT OF WHAT
02:09PM 14 THEY HAVE HEARD, I'D LIKE TO KNOW WHETHER OR NOT JUST HEARING
02:09PM 15 THAT INFORMATION NOW TODAY CAUSES YOU TO BELIEVE THAT YOU COULD
02:09PM 16 NOT BE FAIR AND IMPARTIAL AS A JUROR IN THIS CASE?

02:09PM 17 IS THERE ANYONE WHO FEELS THAT WAY? IF SO, PLEASE RAISE
02:10PM 18 YOUR HAND SO WE CAN TALK ABOUT IT.

02:10PM 19 I SEE NO HANDS. ALL RIGHT. THANK YOU.

02:10PM 20 MR. SCHENK, DO YOU HAVE QUESTIONS?

02:10PM 21 MR. SCHENK: I DO. THANK YOU, YOUR HONOR.

02:10PM 22 YOUR HONOR, MAY I?

02:10PM 23 THE COURT: YES. THANK YOU.

02:10PM 24 MR. SCHENK: THANK YOU.

02:10PM 25 GOOD AFTERNOON. MY NAME IS JEFF SCHENK. YOU HEARD THAT I

02:10PM 1 REPRESENT THE UNITED STATES IN THIS MATTER.

02:10PM 2 I HAVE JUST A COUPLE OF QUESTIONS FOR YOU THIS MORNING.

02:10PM 3 I'M GOING TO DIRECT MY QUESTIONS TO THE ENTIRE PANEL, AND

02:10PM 4 PLEASE, IF YOU HAVE SOMETHING RESPONSIVE, RAISE YOUR HAND AND

02:10PM 5 WE CAN HAVE FURTHER DIALOGUE.

02:10PM 6 FIRST, CAN EVERYBODY HEAR ME OKAY?

02:10PM 7 PROSPECTIVE JURORS: YES.

02:10PM 8 AUDIENCE: I CAN'T.

02:10PM 9 THE COURT: GO AHEAD, MR. SCHENK.

02:10PM 10 THIS WAS A RESPONSE FROM A NONJUROR, I BELIEVE. SO WE'LL

02:10PM 11 GIVE YOU THE MICROPHONE AND THAT WILL PROBABLY --

02:11PM 12 MR. SCHENK: THANK YOU.

02:11PM 13 THE COURT: OKAY.

02:11PM 14 MR. SCHENK: SO I'M FIRST WONDERING IF THERE'S A

02:11PM 15 JUROR WHO HAS A CONCERN OF SITTING IN JUDGMENT OF SOMEONE?

02:11PM 16 PART OF THE PROCESS OF SERVING ON A JURY IS HEARING

02:11PM 17 EVIDENCE THROUGHOUT THE COURSE OF THE TRIAL AND THEN MAKING A

02:11PM 18 DETERMINATION ABOUT WHETHER YOU THINK THE GOVERNMENT PROVED ITS

02:11PM 19 CASE.

02:11PM 20 DID THE GOVERNMENT PROVE EACH ELEMENT BEYOND A REASONABLE

02:11PM 21 DOUBT? AND IN THE MIND OF SOME JURORS, THAT'S THE EQUIVALENT

02:11PM 22 OF SITTING IN JUDGMENT OF SOMEONE ELSE, ANOTHER HUMAN.

02:11PM 23 AND I KNOW THAT FOR SOME PEOPLE THAT CAN BE CHALLENGE.

02:11PM 24 THAT'S SOMETHING THAT THEY DO NOT, THEY DO NOT DO.

02:11PM 25 I'M WONDERING IF THERE'S ANY JUROR WHO HAS A CONCERN ABOUT

02:11PM 1 THAT OR THINKS THAT AS THE TRIAL GOES ON, THAT PART OF THIS IS
02:11PM 2 GOING TO BOTHER THEM, THAT THEY'RE GOING TO HAVE SOME CONFLICTS
02:11PM 3 WITH IT?

02:11PM 4 SO ARE THERE ANY JURORS WHO HAVE A CONCERN WITH THAT?

02:11PM 5 I SEE NO HANDS. THANK YOU.

02:11PM 6 JUDGE DAVILA ASKED YOU A QUESTION EARLIER ABOUT PERSONAL
02:11PM 7 VIEWS REGARDING LAW ENFORCEMENT, AND IF A LAW ENFORCEMENT
02:12PM 8 WITNESS TESTIFIED, WHETHER YOUR VIEWS ABOUT LAW ENFORCEMENT
02:12PM 9 COLOR THE WAY YOU SEE THEIR TESTIMONY.

02:12PM 10 I'M GOING TO ASK A SIMILAR QUESTION BUT ABOUT DOCTORS.
02:12PM 11 IT'S POSSIBLE THAT YOU WILL HEAR DOCTORS TESTIFY THROUGHOUT THE
02:12PM 12 COURSE OF THE TRIAL, AND PEOPLE HAVE EXPERIENCES, GOOD AND BAD,
02:12PM 13 WITH DOCTORS, JUST LIKE WITH ANY PROFESSION.

02:12PM 14 I'M WONDERING IF ANYBODY HAS VIEWS, PERSONAL VIEWS ABOUT
02:12PM 15 DOCTORS THAT IF THE GOVERNMENT PUTS ON DOCTOR WITNESSES, THAT
02:12PM 16 THEY MAY HAVE A CONCERN FAIRLY EVALUATING THAT TESTIMONY?

02:12PM 17 YES, I SEE ONE HAND. DO YOU MIND STARTING WITH YOUR JUROR
02:12PM 18 NUMBER?

02:12PM 19 THE COURT: WE'LL NEED TO SHARE THE MICROPHONE.

02:12PM 20 PROSPECTIVE JUROR: JUROR 72. I DO HOLD DOCTORS IN
02:12PM 21 HIGH REGARD. I HAVE A LOT OF RESPECT FOR THE PROFESSION, SO I
02:12PM 22 DO BELIEVE THAT IF I HEARD EVIDENCE FROM THEM, I WOULD TEND TO
02:12PM 23 BELIEVE IT.

02:12PM 24 MR. SCHENK: LET ME TRY TO FOLLOW UP ON THAT BUT
02:13PM 25 WITHOUT TAKING THE MIKE BACK FROM YOU.

02:13PM 1 SO IF A DOCTOR TESTIFIES AND SORT OF AS A GENERAL RULE YOU
02:13PM 2 HOLD THEM IN HIGH REGARD, DOES THAT MEAN THAT YOU WON'T THINK
02:13PM 3 CRITICALLY OR EVALUATE THEIR TESTIMONY THE SAME WAY YOU WOULD
02:13PM 4 EVALUATE THE TESTIMONY OF ANY WITNESS?

02:13PM 5 PROSPECTIVE JUROR: IT'S HARD FOR ME TO --

02:13PM 6 MR. SCHENK: HELP ME TO UNDERSTAND THAT. WHY, WHY
02:13PM 7 IS IT HARD?

02:13PM 8 PROSPECTIVE JUROR: JUST BECAUSE OF THE BELIEF THAT
02:13PM 9 I HAVE IN THE MEDICAL SYSTEM.

02:13PM 10 MR. SCHENK: IF AS PART OF THE FINAL INSTRUCTIONS IN
02:13PM 11 THE CASE JUDGE DAVILA TELLS YOU THERE ARE CERTAIN THINGS THAT
02:13PM 12 YOU ARE TO CONSIDER AND TO HELP YOU EVALUATE THE CREDIBILITY OF
02:13PM 13 WITNESSES, THE WAY THE WITNESS TESTIFIES OR THE OTHER FACTS
02:13PM 14 THAT CORROBORATE SOMETHING THAT THE WITNESS HAS SAID, ARE YOU
02:13PM 15 GOING TO BE ABLE TO FOLLOW THAT INSTRUCTION OR IS THAT GOING TO
02:13PM 16 BE DIFFICULT FOR YOU?

02:13PM 17 PROSPECTIVE JUROR: I AM, I'M GOING TO TRY MY BEST,
02:14PM 18 BUT IT'S GOING TO BE HARD.

02:14PM 19 MR. SCHENK: OKAY. THANK YOU. MAY I GET THE
02:14PM 20 MICROPHONE FROM YOU NOW?

02:14PM 21 ANY OTHER JURORS WITH A HAND TO THAT QUESTION,
02:14PM 22 DOCTOR-WITNESS TESTIMONY?

02:14PM 23 I SEE NO HANDS -- YES.

02:14PM 24 PROSPECTIVE JUROR: I WOULD FIND MYSELF TO BELIEVE A
02:14PM 25 DOCTOR'S WORD MORE THAN ANOTHER PERSON I WOULD SAY. SO IF YOU

02:14PM 1 THROW A DOCTOR ON THE STAND TO ASK QUESTIONS OR A DOCTOR WERE
02:14PM 2 TO ASK ME QUESTIONS OR TELL ME SOMETHING, NINE TIMES OUT OF TEN
02:14PM 3 I WOULD BELIEVE HIM MORE THAN THE NORMAL PERSON. THAT IS JUST
02:14PM 4 MY BELIEF. BECAUSE OF MY MEDICAL HISTORY, I TALK TO A LOT OF
02:14PM 5 DOCTORS HERE AND THERE, AND SO I HAVE A LOT OF BELIEF IN THEM,
02:14PM 6 AND I BELIEVE WHAT THEY HAVE TO SAY TO ME A MAJORITY OF THE
02:14PM 7 TIME.

02:14PM 8 MR. SCHENK: AND IF THE JUDGE GIVES YOU AN
02:14PM 9 INSTRUCTION THAT INFORMS YOU HOW TO EVALUATE THE CREDIBILITY OF
02:14PM 10 WITNESSES, WILL YOU BE ABLE TO FOLLOW THAT INSTRUCTION OR ARE
02:15PM 11 YOU CONCERNED THAT YOUR PRIOR EXPERIENCE IS GOING TO AFFECT
02:15PM 12 YOUR ABILITY TO FOLLOW THAT INSTRUCTION?

02:15PM 13 PROSPECTIVE JUROR: JUST BECAUSE OF THE WAY I HAVE
02:15PM 14 TALKED TO DOCTORS AND IF THE JUDGE TOLD ME TO TALK TO THE
02:15PM 15 DOCTOR AND THE DOCTOR WAS SAYING SOMETHING ELSE, I THINK I
02:15PM 16 WOULD BELIEVE THE DOCTOR MORE.

02:15PM 17 MR. SCHENK: OKAY. WERE THERE ANY OTHER HANDS TO
02:15PM 18 THE DOCTOR QUESTION?

02:15PM 19 OKAY. YOU'VE HEARD THAT THERE WAS SOME -- THERE WAS A
02:15PM 20 PRIOR TRIAL AND THERE WAS MEDIA COVERAGE OF THE PRIOR TRIAL.
02:15PM 21 IT'S POSSIBLE THERE WILL BE MEDIA COVERAGE OF THIS TRIAL.

02:15PM 22 AND IN THE QUESTIONNAIRE THAT YOU FILLED OUT, IT TOLD YOU
02:15PM 23 NOT TO DO OUTSIDE RESEARCH, DON'T GOOGLE EVENTS THAT OCCURRED
02:15PM 24 IN THE CASE OR FACTS, DON'T WATCH THINGS OR READ MEDIA.

02:15PM 25 THAT CAN BE DIFFICULT FOR SOME PEOPLE, BUT IT'S VERY

02:15PM 1 IMPORTANT.

02:15PM 2 I'M WONDERING IF THERE'S ANYBODY WHO HAS A CONCERN ABOUT
02:16PM 3 THEIR ABILITY TO FOLLOW THAT INSTRUCTION, IF THE JUDGE TELLS
02:16PM 4 YOU YOU'RE NOT TO DO ANY OUTSIDE OF RESEARCH, YOU CAN'T GO
02:16PM 5 ONLINE AND LOOK THINGS UP, YOU CAN'T TALK TO FRIENDS AND FAMILY
02:16PM 6 ABOUT THE CASE, YOU CAN'T EVEN TALK TO YOUR FELLOW JURORS ABOUT
02:16PM 7 THE CASE UNTIL IT'S TIME TO DELIBERATE, IS THAT GOING TO BE
02:16PM 8 DIFFICULT FOR ANYBODY?

02:16PM 9 IS THERE SORT OF A -- SUCH AN INTEREST, A STRONG INTEREST
02:16PM 10 IN THE LOCAL NEWS OR IN NEWSPAPERS THAT IT WILL BE DIFFICULT
02:16PM 11 FOR YOU NOT TO READ BEYOND A HEADLINE OF AN ARTICLE?

02:16PM 12 ANY HANDS TO THAT QUESTION?

02:16PM 13 PROSPECTIVE JUROR: WELL, I HAVE NO PROBLEM NOT
02:16PM 14 TALKING TO PEOPLE, FRIENDS AND MY FAMILY.

02:16PM 15 I HAVE PROBLEM WITH T.V. BECAUSE THERE ARE THREE OF US IN
02:16PM 16 OUR HOUSEHOLD AND THE T.V. IS ALWAYS ON.

02:16PM 17 SO WHAT AM I GOING TO DO AT THE TIME, LOCK MYSELF IN MY
02:16PM 18 BEDROOM?

02:16PM 19 MR. SCHENK: ARE YOU JUROR NUMBER 14?

02:16PM 20 PROSPECTIVE JUROR: 14, YEAH.

02:17PM 21 MR. SCHENK: SO IF THE JUDGE TELLS YOU THAT YOU
02:17PM 22 CANNOT WATCH OR LISTEN TO ANY T.V. REPORTS ABOUT THIS CASE, IS
02:17PM 23 IT GOING TO BE HARD FOR YOU JUST WHEN THE NEWS IS TALKING ABOUT
02:17PM 24 THIS CASE, WILL IT BE HARD FOR YOU TO LEAVE THE ROOM AT THAT
02:17PM 25 POINT.

02:17PM 1 PROSPECTIVE JUROR: WELL, MAYBE YES, MAYBE IT IS
02:17PM 2 GOING TO BE EASY.

02:17PM 3 MR. SCHENK: MAYBE IT WILL BE EASY.

02:17PM 4 PROSPECTIVE JUROR: MAYBE IT WILL BE FOR JUST A FEW
02:17PM 5 MINUTES, BUT I'M COOKING, AND I'M IN FRONT OF T.V.

02:17PM 6 AND SO IF IT'S LONGER, THAT MIGHT BE A PROBLEM. BUT ONLY
02:17PM 7 THIS T.V. I CANNOT LIVE WITHOUT COMPUTER OR WITHOUT TALKING.

02:17PM 8 MR. SCHENK: I'M SORRY, YOU CAN LIVE WITHOUT THE
02:17PM 9 COMPUTER OR YOU CANNOT?

02:17PM 10 PROSPECTIVE JUROR: YES, I CAN. I DON'T HAVE TO
02:17PM 11 GOOGLE ABOUT THIS CASE. I CAN DO THAT. T.V. IS THE WORSE
02:17PM 12 THING IN MY HOUSEHOLD.

02:17PM 13 MR. SCHENK: SO FAR WHEN THE T.V. IS ON, AND THERE'S
02:17PM 14 A REPORT OR A STORY INVOLVING THIS CASE, YOU THINK YOU WILL BE
02:17PM 15 ABLE TO LEAVE THE ROOM JUST DURING THE PERIOD OF TIME THAT
02:18PM 16 THEY'RE DISCUSSING THIS CASE?

02:18PM 17 PROSPECTIVE JUROR: I GUESS I HAVE TO RUN, YEAH.

02:18PM 18 MR. SCHENK: AND IF THE JUDGE TELLS YOU THAT'S
02:18PM 19 SOMETHING YOU HAVE TO DO, YOU HAVE TO FOLLOW THAT?

02:18PM 20 PROSPECTIVE JUROR: YES.

02:18PM 21 MR. SCHENK: THANK YOU. DO YOU MIND STARTING WITH
02:18PM 22 YOUR JUROR NUMBER.

02:18PM 23 PROSPECTIVE JUROR: JUROR 34.

02:18PM 24 IT'S KIND OF WHAT SHE SAID, AND I GUESS IT'S ALL OVER THE
02:18PM 25 PLACE. AND I SAID I'M VERY ACTIVE WITH NEWS FEEDS AND

02:18PM 1 ESPECIALLY IF IT STARTS TO GET COVERED, I FIND IT WILL BE HARD
02:18PM 2 BECAUSE I CAN TELL LIKE EVEN ON YOUTUBE RIGHT NOW AND IN MY
02:18PM 3 KIDS PROFILE AND MY PROFILE THERE'S A BIG BANNER ABOUT --

02:18PM 4 MR. SCHENK: PLEASE DON'T SAY IT.

02:18PM 5 PROSPECTIVE JUROR: YEAH, EXACTLY. IT'S KIND OF
02:18PM 6 LIKE IN MY FACE MOST OF THE TIME, SO I CAN DEFINITELY TRY TO
02:18PM 7 AVOID.

02:18PM 8 BUT IF THINGS GET MORE MEDIA ATTENTION HERE, I THINK IT
02:18PM 9 WILL BE REALLY HARD FOR ME TO KIND OF PARSE THAT PART OF MY
02:19PM 10 LIFE OUT.

02:19PM 11 MR. SCHENK: I NOTICE THERE'S THE ABILITY TO TURN
02:19PM 12 OFF NOTIFICATIONS ON YOUR PHON WHEN YOU SEE A HEADLINE POP UP,
02:19PM 13 YOU CAN CHOOSE TO READ IT OR TURN AWAY. SO THERE'S SOME SORT
02:19PM 14 OF PLACE ALONG THE WAY WHERE YOU CAN MAKE A DECISION ABOUT HOW
02:19PM 15 MUCH OR WHETHER YOU WILL CONSUME.

02:19PM 16 BUT DO YOU THINK THAT THAT DECISION IS GOING TO BE
02:19PM 17 DIFFICULT FOR YOU OR IF THE COURT INSTRUCTS YOU, YOU REALLY
02:19PM 18 CANNOT READ ANYTHING OR TALK ABOUT THE CASE, YOU WILL BE ABLE
02:19PM 19 TO FOLLOW THAT?

02:19PM 20 PROSPECTIVE JUROR: I THINK IT WON'T BE DIFFICULT.
02:19PM 21 I THINK IT WILL -- I'LL HAVE TO CHANGE MY LIFESTYLE OBVIOUSLY,
02:19PM 22 BUT, YEAH, I COULD FOLLOW THE DIRECTIONS.

02:19PM 23 BUT DEFINITELY JUST KNOWING THAT IT MIGHT BE AROUND AND
02:19PM 24 UNAVOIDABLE SOMETIMES.

02:19PM 25 MR. SCHENK: JUROR NUMBER 14, IT LOOKS LIKE YOUR

02:19PM 1 HAND IS UP.

02:19PM 2 PROSPECTIVE JUROR: NO. I NEED TO ELEVATE MY
02:19PM 3 FINGER.

02:19PM 4 MR. SCHENK: OH. SORRY.

02:19PM 5 ANY OTHER HANDS?

02:20PM 6 AND THEN THE LAST QUESTION I HAVE FOR YOU IS DURING THE
02:20PM 7 COURSE OF THE TRIAL I ANTICIPATE THAT THE EVIDENCE WILL INCLUDE
02:20PM 8 DOCUMENTS, EMAILS, OTHER KINDS OF DOCUMENTS.

02:20PM 9 YOU WON'T RECEIVE A PAPER COPY. IN FACT, THE DOCUMENTS
02:20PM 10 ARE GOING TO BE DISPLAYED ON THE SCREEN SO YOU SEE THESE FIVE
02:20PM 11 SCREENS IN FRONT OF THE JURY BOX AND THERE'S SCREENS ON THE
02:20PM 12 WALL, ONE TO YOUR LEFT, AND THEN ALL OF THE WAY ON THE OTHER
02:20PM 13 SIDE OF THE COURTROOM TO YOUR RIGHT, AND THEN THE SEATED
02:20PM 14 JURORS, THE JURORS WHO END UP HEARING THE CASE WILL BE SEATED
02:20PM 15 IN THE ROWS, THE TWO ROWS IN THE BOX, AND THEN YOU NOTICE THERE
02:20PM 16 ARE TWO CHAIRS ON THIS SIDE AND TWO CHAIRS ON THE RIGHT-HAND
02:20PM 17 SIDE OF THE JURY BOX, AND THEN THIS VERY FIRST ROW OF THE
02:20PM 18 GALLERY.

02:20PM 19 SO THE JURORS SEATED WITHIN THE WELL OF THE COURTROOM
02:20PM 20 GENERALLY USE THESE FIVE SCREENS, AND THE JURORS THAT SIT IN
02:20PM 21 THE FIRST ROW OFTEN LOOK UP AT THE SCREEN ON THE WALL.

02:21PM 22 WHAT I'M WONDERING IS, IS THERE A JUROR WHO THINKS THAT
02:21PM 23 JUST VISUALLY SEEING EMAILS AND DOCUMENTS AND SPREADSHEETS IS
02:21PM 24 GOING TO BE DIFFICULT FOR YOU WHERE THESE SCREENS ARE LOCATED,
02:21PM 25 FROM WHERE THE SCREENS ARE LOCATED?

02:21PM 1 ANY CONCERNS WITH THAT?

02:21PM 2 THE COURT: IS THIS JUROR 10?

02:21PM 3 PROSPECTIVE JUROR: YEAH. JUST BECAUSE I SAID
02:21PM 4 BEFORE, ENGLISH IS MY SECOND LANGUAGE. SO WHEN I SEE ALL OF
02:21PM 5 THE DOCUMENTS, SOMETIMES I CAN'T UNDERSTAND ALL, SO I HAVE TO
02:21PM 6 DO A LOT TO BRING MY DICTIONARY OR SOMETHING SO I HAVE -- I
02:21PM 7 CANNOT READ VERY QUICKLY SO I HAVE TO THINK OVER.

02:21PM 8 SOMETIMES IF THE WORDS, I'LL ASK, BUT IF THEY GET
02:21PM 9 TOGETHER, I JUST REALLY COULDN'T UNDERSTAND WHAT THEY'RE
02:21PM 10 TALKING ABOUT. SO THAT'S MY CONCERN.

02:21PM 11 MR. SCHENK: OKAY. YOU CAN SEE IT OKAY.

02:21PM 12 PROSPECTIVE JUROR: YEAH, I CAN SEE IT OKAY, BUT I
02:22PM 13 DON'T UNDERSTAND THE MEANINGS SOMETIMES.

02:22PM 14 MR. SCHENK: YOUR QUESTION IS WHETHER YOU'LL BE ABLE
02:22PM 15 TO UNDERSTAND THE CONTENT?

02:22PM 16 PROSPECTIVE JUROR: YEAH.

02:22PM 17 MR. SCHENK: SO I THINK YOU HEARD EARLIER THIS
02:22PM 18 MORNING JUDGE DAVILA DESCRIBED TO YOU REALLY THE OBLIGATION OF
02:22PM 19 THE LAWYERS TO MAKE THE MATERIAL UNDERSTANDABLE. WE DON'T HAVE
02:22PM 20 EXPERT JURORS IN THIS COUNTRY, SO WE BRING JURORS IN WHO HAVE
02:22PM 21 NO PRIOR EXPERIENCE IN ANY OF THE TOPICS THAT THE TRIAL IS
02:22PM 22 ABOUT, AND IT REALLY IS THE JOB OF THE LAWYERS TO MAKE THE
02:22PM 23 MATERIAL UNDERSTANDABLE TO JURORS FROM ALL KINDS OF
02:22PM 24 BACKGROUNDS. IF IT'S A LANGUAGE BACKGROUND OR AN EDUCATION
02:22PM 25 BACKGROUND, IT'S THE OBLIGATION OF THE LAWYERS TO MAKE THE

02:22PM 1 MATERIAL UNDERSTANDABLE FOR EVERYBODY.

02:22PM 2 HEARING THAT, DOES THAT GIVE YOU A LITTLE MORE COMFORT
02:22PM 3 THAT YOU'LL BE ABLE TO UNDERSTAND THE MATERIAL?

02:22PM 4 PROSPECTIVE JUROR: I HOPE SO, YEAH. I HOPE SO.

02:22PM 5 MR. SCHENK: HOW ABOUT THE CONVERSATIONS THAT WE'VE
02:22PM 6 HAD SO FAR TODAY IN THE MORNING SESSION AND IN THE DIALOGUE
02:22PM 7 THIS AFTERNOON?

02:23PM 8 PROSPECTIVE JUROR: 80 PERCENT, THAT'S FINE.

02:23PM 9 MR. SCHENK: YOU FEEL LIKE YOU'VE UNDERSTOOD THE
02:23PM 10 QUESTIONS FROM JUDGE DAVILA THIS MORNING OR THE QUESTIONS FROM
02:23PM 11 ME THIS AFTERNOON, HAVE YOU UNDERSTOOD ALL OF THAT OKAY?

02:23PM 12 PROSPECTIVE JUROR: YEAH.

02:23PM 13 MR. SCHENK: OKAY. THANK YOU.

02:23PM 14 ANY OTHER HANDS TO THE SCREEN QUESTION SEEING THE
02:23PM 15 EVIDENCE?

02:23PM 16 GREAT.

02:23PM 17 THANK YOU VERY MUCH. NO FURTHER QUESTIONS.

02:23PM 18 THE COURT: ALL RIGHT. THANK YOU.

02:23PM 19 IN REGARDS TO PROSPECTIVE JUROR 10'S COMMENTS REGARDING
02:23PM 20 DOCUMENTS, IT'S BEEN MY EXPERIENCE, LADIES AND GENTLEMEN, THAT
02:23PM 21 WHEN DOCUMENTS ARE DISPLAYED ON THE SCREENS OR INTRODUCED IN
02:23PM 22 EVIDENCE, THE LAWYERS TYPICALLY WILL TALK ABOUT THE DOCUMENTS
02:23PM 23 OR THE WITNESSES WILL TESTIFY AS TO WHAT THE DOCUMENT SAYS
02:23PM 24 AND -- OR REPRESENTS. IT COULD BE AN EMAIL OR A SPREADSHEET OR
02:23PM 25 SOMETHING LIKE THAT.

02:23PM 1 AND YOU MAY HEAR, YOU MAY HEAR -- I DON'T KNOW WHAT THE
02:24PM 2 EVIDENCE WILL BE IN THIS CASE, BUT IF THERE ARE DOCUMENTS, IT'S
02:24PM 3 NOT UNUSUAL IN TRIAL WHERE THE WITNESS WILL GIVE SOME
02:24PM 4 QUALIFICATION ABOUT, AND FOUNDATION ABOUT WHAT THE DOCUMENT IS.
02:24PM 5 AND WHEN IT'S DISPLAYED IT BECOMES, AS MR. SCHENK SAID, MORE
02:24PM 6 UNDERSTANDABLE BASED ON THAT.

02:24PM 7 I DON'T THINK I'VE BEEN IN A CASE WHERE A DOCUMENT IS JUST
02:24PM 8 PUT UP AND THERE'S BEEN NO EXPLANATION OF WHAT IT IS AND THE
02:24PM 9 JURY HAS TO FIGURE THAT OUT ON THEIR OWN. THAT'S NOT TYPICALLY
02:24PM 10 HOW THAT WORKS.

02:24PM 11 SO I JUST TELL YOU THAT FOR ALL OF YOUR INFORMATION.

02:24PM 12 MR. SCHENK, ANY COMMENT ON THAT?

02:24PM 13 MR. SCHENK: NO. THANK YOU VERY MUCH.

02:24PM 14 THE COURT: MR. COOPERSMITH.

02:24PM 15 MR. COOPERSMITH: THANK YOU, YOUR HONOR.

02:24PM 16 GOOD AFTERNOON EVERYONE. MY NAME IS JEFF COOPERSMITH. I
02:24PM 17 REPRESENT MR. BALWANI, AS I SAID BEFORE.

02:24PM 18 THANK YOU FOR YOUR TIME AND ATTENTION TODAY.

02:25PM 19 BEFORE I GET STARTED AND START ASKING QUESTIONS OF THE
02:25PM 20 PANEL, I JUST WANT TO MAKE SURE THAT EVERYONE UNDERSTANDS
02:25PM 21 THERE'S NO WRONG ANSWERS HERE. SO THE GOAL HERE FOR ALL OF US
02:25PM 22 IN THE COURTROOM IS TO MAKE SURE THAT WE GET CANDID ANSWERS AND
02:25PM 23 THINGS THAT YOU FEEL AND THINK AND KNOW, AND THERE'S NO NEED TO
02:25PM 24 THINK ABOUT WHETHER THE ANSWER IS RIGHT OR WRONG BECAUSE
02:25PM 25 THERE'S NO SUCH THING IN THIS SETTING.

02:25PM 1 SO THANK YOU VERY MUCH.

02:25PM 2 THE FIRST QUESTION I HAVE, AND IT KIND OF FOLLOWS UP WITH
02:25PM 3 WHERE WE LEFT OFF WITH MR. SCHENK AND JUDGE DAVILA, IS THAT WE
02:25PM 4 ARE GOING TO DO OUR BEST DURING THE COURSE OF THIS TRIAL, AND I
02:25PM 5 THINK ALL OF US AS LAWYERS, TO MAKE THIS AS UNDERSTANDABLE AS
02:25PM 6 POSSIBLE. IT IS A CASE THAT INVOLVES SOME TECHNICAL EVIDENCE.

02:25PM 7 AS YOU'VE HEARD, IT'S SCHEDULED TO GO ON FOR SOME MONTHS,
02:25PM 8 SO THERE WILL BE SOME DENSE MATERIAL TO REVIEW, AND WE WILL TRY
02:25PM 9 TO MAKE THINGS ACCESSIBLE.

02:25PM 10 JUDGE DAVILA IS ABSOLUTELY CORRECT THAT EVEN WHEN THERE'S
02:25PM 11 A DOCUMENT, THE LAWYERS WILL DO THEIR BEST TO TRY TO EXPLAIN
02:26PM 12 WHAT IT SAYS AND WHAT IT MEANS AND BRING THAT OUT THROUGH
02:26PM 13 WITNESSES.

02:26PM 14 BUT MY QUESTION FOR NOW IS EVEN WITH ALL OF THAT SAID, IS
02:26PM 15 THERE ANYONE WHO STILL FEELS LIKE IT WOULD BE VERY DIFFICULT TO
02:26PM 16 UNDERSTAND DOCUMENTS THAT ARE AT TIMES TECHNICAL, TALKING ABOUT
02:26PM 17 BLOOD TESTING AND THINGS OF THAT NATURE?

02:26PM 18 PROSPECTIVE JUROR: YES, ABSOLUTELY.

02:26PM 19 MR. COOPERSMITH: OKAY. I THINK THERE'S A
02:26PM 20 MICROPHONE SOMEWHERE. I COULD -- YES.

02:26PM 21 JUROR NUMBER 14.

02:26PM 22 PROSPECTIVE JUROR: YES. FOR ME, ABSOLUTELY, BASED
02:26PM 23 ON MY LANGUAGE AND LIKE I MENTIONED AND WORDS OR WHATEVER AND
02:26PM 24 FINANCES, AND I'M NOT FEELING COMFORTABLE, DEFINITELY I'M NOT
02:26PM 25 FEELING COMFORTABLE.

02:26PM 1 MR. COOPERSMITH: OKAY. AND I UNDERSTAND FROM YOUR
02:26PM 2 ANSWERS BEFORE THAT YOU'VE BEEN IN THIS COUNTRY FOR ABOUT
02:26PM 3 30 YEARS?

02:27PM 4 PROSPECTIVE JUROR: YES. BUT I DON'T USE EVERY DAY
02:27PM 5 THIS ELEVATED LANGUAGE LIKE, YOU KNOW, TECHNICAL STUFF. I
02:27PM 6 DON'T USE IT EVERY DAY, SO I'M NOT FAMILIAR WITH SOME
02:27PM 7 VOCABULARY.

02:27PM 8 MR. COOPERSMITH: OKAY. THANK YOU.

02:27PM 9 PROSPECTIVE JUROR: I'M JUST AFRAID I'LL BE ASKING
02:27PM 10 EVERYBODY WHAT DID HE SAY? WHAT DOES IT MEAN? IT'S
02:27PM 11 FRUSTRATING FOR ME.

02:27PM 12 MR. COOPERSMITH: HAS THAT SORT OF THING HAPPENED IN
02:27PM 13 OTHER PARTS OF YOUR LIFE WHERE YOU'VE HAD TROUBLE?

02:27PM 14 PROSPECTIVE JUROR: YES, YES. SOMETIMES I ASK MY
02:27PM 15 HUSBAND WHAT DID HE SAY IN THE MOVIE, FOR EXAMPLE, BECAUSE
02:27PM 16 THERE'S VOCABULARY I DON'T UNDERSTAND, I'M GOING TO BE HONEST
02:27PM 17 ABOUT IT.

02:27PM 18 MR. COOPERSMITH: SO, FOR EXAMPLE, WHEN YOU'RE
02:27PM 19 WATCHING A MOVIE --

02:27PM 20 PROSPECTIVE JUROR: I DON'T UNDERSTAND SOME PARTS OF
02:27PM 21 THE MOVIE, ESPECIALLY POLITICAL MOVIES, FOR EXAMPLE, WHEN THEY
02:27PM 22 TALK ABOUT FINANCES. I HAVE DIFFICULTIES WITH THIS.

02:27PM 23 MR. COOPERSMITH: DO YOU HAVE ANY EXAMPLES OF A
02:27PM 24 MOVIE THAT YOU HAD TROUBLE FOLLOWING?

02:27PM 25 PROSPECTIVE JUROR: NOT REALLY.

02:27PM 1 MR. COOPERSMITH: OKAY.

02:27PM 2 PROSPECTIVE JUROR: BECAUSE IT'S NOT A POLITICAL
02:28PM 3 SITUATION OR FINANCES. IT JUST RANDOMLY HAPPENS.

02:28PM 4 MR. COOPERSMITH: OKAY. THANK YOU.

02:28PM 5 I GUESS YOU COULD HAND IT TO JUROR NUMBER 31. THANK YOU,
02:28PM 6 SIR.

02:28PM 7 PROSPECTIVE JUROR: MY CONCERN ALSO IS THAT I'M NOT
02:28PM 8 REALLY UP TO -- I DON'T HAVE A WORD THAT IS RIGHT, AND I'M ALSO
02:28PM 9 NOT THAT SMART. I DON'T KNOW A LOT OF BIG WORDS, AND I NEED A
02:28PM 10 LOT OF DESCRIPTION, TOO. I NEED TO ALWAYS BE ASKING PEOPLE
02:28PM 11 WHAT DOES THAT MEAN.

02:28PM 12 I'M LEARNING TO BE A CONTRACTOR, AND I'M CONSTANTLY ASKING
02:28PM 13 MY BOSS ALL OF THE TIME, "WHAT IS THAT WORD?" WHAT DOES THIS
02:28PM 14 BIG WORD MEAN WHEN WE'RE LOOKING AT LIKE BUILDING PLANS.

02:28PM 15 SO WHENEVER I SEE BIG WORDS, I ALWAYS GET NERVOUS AND SHUT
02:28PM 16 DOWN SOMETIMES, TOO.

02:28PM 17 MR. COOPERSMITH: OKAY. AND HAS THAT HAPPENED IN
02:28PM 18 OTHER PARTS OF YOUR LIFE WHERE YOU HAVE HAD THAT EXPERIENCE?

02:28PM 19 PROSPECTIVE JUROR: YES, SIR.

02:28PM 20 MR. COOPERSMITH: CAN YOU GIVE US AN EXAMPLE.

02:28PM 21 PROSPECTIVE JUROR: A LOT IN SCHOOL, DEFINITELY IN
02:28PM 22 SCHOOL. AND I HAD A LOT OF ISSUES IN SCHOOL. AND GOING OUT
02:28PM 23 AND FIGURING WHAT I WANT TO DO WITH JOBS, AND THERE'S A LOT OF
02:28PM 24 DIFFERENT JOBS THAT I'VE TRIED HAVE BEEN OUT OF MY LEAGUE, I
02:28PM 25 GUESS YOU COULD SAY, OF KNOWLEDGE. AND SO NOW THAT I'M

02:29PM 1 GETTING -- IF I GET INTO SOMETHING LIKE THIS, I FEEL WHEN
02:29PM 2 THEY'RE TALKING, I'M NOT GOING TO UNDERSTAND, AND I'M NOT GOING
02:29PM 3 TO ASK THE PERSON NEXT TO ME WHAT DID THEY MEAN, AND I'M NOT
02:29PM 4 GOING TO RAISE MY HAND AND ASK WHAT DID THEY MEAN BECAUSE I
02:29PM 5 WON'T ASK ANYBODY THAT ON LIKE A ONE-ON-ONE BASIS BECAUSE I
02:29PM 6 DON'T LIKE TALKING TO PEOPLE LIKE THAT.

02:29PM 7 MR. COOPERSMITH: OKAY. THANK YOU, SIR.

02:29PM 8 WERE THERE OTHER HANDS?

02:29PM 9 OKAY. I SEE NO OTHER HANDS.

02:30PM 10 (PAUSE IN PROCEEDINGS.)

02:30PM 11 MR. COOPERSMITH: OKAY. JUROR NUMBER 34 -- AND I'M
02:30PM 12 SORRY TO ADDRESS YOU BY YOUR NUMBER, BUT THAT'S THE PROTOCOL
02:30PM 13 TODAY. I'M SORRY FOR THAT. I KNOW YOU HAVE A NAME.

02:30PM 14 SO MY QUESTION TO YOU, SIR, IS THAT IT LOOKS LIKE YOU'VE
02:30PM 15 HAD SOME EXPOSURE TO MEDIA ABOUT THE THERANOS CASE; IS THAT
02:30PM 16 CORRECT?

02:30PM 17 PROSPECTIVE JUROR: THAT'S CORRECT.

02:30PM 18 MR. COOPERSMITH: AND SORT OF WHAT? HAVE YOU SORT
02:30PM 19 OF FOLLOWED THE CASE OR LOOSELY FOLLOWED THE CASE? HOW WOULD
02:30PM 20 YOU DESCRIBE THAT.

02:30PM 21 PROSPECTIVE JUROR: I WOULD SAY LOOSELY. YOU KNOW,
02:30PM 22 WHATEVER DOCUMENTARY, LIKE "20/20" THAT CAME OUT A WHILE AGO, I
02:30PM 23 PROBABLY FOLLOWED THAT. I DIDN'T WATCH THE MOVIE THAT I ALMOST
02:30PM 24 MENTIONED EARLIER, BUT GENERALLY I FOLLOWED THE CASE JUST
02:30PM 25 BECAUSE THE TOPIC IS SOMEWHAT NEAR AND DEAR TO ME AND -- I HAVE

02:31PM 1 A MEDICAL CONDITION THAT I TAKE BLOOD TESTS ALL OF THE TIME.

02:31PM 2 THE COURT: MR. COOPERSMITH, GIVE HIM THE

02:31PM 3 MICROPHONE.

02:31PM 4 MR. COOPERSMITH: I'M HOGGING THE MICROPHONE, YES,

02:31PM 5 YOUR HONOR.

02:31PM 6 PROSPECTIVE JUROR: SHOULD I START OVER?

02:31PM 7 MR. COOPERSMITH: YES, SIR.

02:31PM 8 PROSPECTIVE JUROR: I COULD SAY THAT I LOOSELY

02:31PM 9 FOLLOWED. I MEAN, I SAW SOME OF THE DOCUMENTARIES THAT CAME

02:31PM 10 OUT LONG AGO, YOU KNOW, ABOUT THE THERANOS CASE, AND I WAS

02:31PM 11 SAYING THAT, LIKE, PART OF IT WAS JUST BECAUSE I'M -- I'VE GOT

02:31PM 12 A MEDICAL CONDITION WHERE I DO DO BLOOD TESTS AND SO IT WAS

02:31PM 13 KIND OF INTERESTING TO ME JUST AS A SUBJECT MATTER, AND THAT'S

02:31PM 14 WHERE I KIND OF FOLLOWED.

02:31PM 15 I WASN'T LIKE COMPLETELY INVESTED IN ANY OF THE CASE

02:31PM 16 SPECIFICS OR ANYTHING LIKE THAT.

02:31PM 17 MR. COOPERSMITH: OKAY. THANK YOU, SIR.

02:31PM 18 AND BY THE WAY, IT'S NOT THE FIRST TIME IN MY CAREER WHERE

02:31PM 19 I'VE BEEN ACCUSED OF HOGGING THE MICROPHONE.

02:31PM 20 (LAUGHTER.)

02:31PM 21 MR. COOPERSMITH: BUT WOULD YOU SAY THAT BASED ON

02:32PM 22 WHAT YOU'VE SEEN IN MEDIA REPORTS THAT YOU FORMED A PARTICULAR

02:32PM 23 VIEW ABOUT THE CASE?

02:32PM 24 AND WITHOUT TELLING ME WHAT THAT IS.

02:32PM 25 PROSPECTIVE JUROR: YEAH. I WOULD SAY IN TERMS OF

02:32PM 1 FORMING AN OPINION ABOUT THE CASE ITSELF, PROBABLY NOT.

02:32PM 2 I WOULD SAY -- MAYBE ONE OF THE OTHER JURORS MENTIONED IT,
02:32PM 3 JUST KIND OF LIKE SILICON VALLEY STARTUPS AND THE PROMISES THAT
02:32PM 4 WERE MADE AND PROMISES BROKEN, THINGS LIKE THAT. LIKE JUST
02:32PM 5 KIND OF HEARING WHAT IS IN THE MEDIA ABOUT IT REENFORCED THAT
02:32PM 6 WHOLE US VERSUS THEM, YOU KNOW, LIKE CORPORATE VERSUS US NORMAL
02:32PM 7 PEOPLE SORT OF THING IN MYSELF, BUT I WOULDN'T SAY ANY OF THOSE
02:32PM 8 MEDIA OR DOCUMENTARIES SWAYED ME IN ONE WAY OR THE OTHER.

02:32PM 9 MR. COOPERSMITH: OKAY. THANK YOU.

02:32PM 10 HAVE YOU HAD CONVERSATIONS WITH FAMILY AND FRIENDS ABOUT
02:32PM 11 THERANOS AS A TOPIC?

02:32PM 12 PROSPECTIVE JUROR: NOT SO MUCH. I MEAN, MY WIFE
02:32PM 13 AND I TALK ABOUT, YOU KNOW, ABOUT THE FACT THAT THE BLOOD TESTS
02:33PM 14 THAT I TAKE COULD HAVE BEEN A REALLY AWESOME THING AND STUFF
02:33PM 15 LIKE THAT, BUT I DON'T THINK WE DISCUSSED IT SUPER DEEPLY.

02:33PM 16 MR. COOPERSMITH: OKAY. IN YOUR QUESTIONNAIRE THAT
02:33PM 17 WE READ, AND THANK YOU FOR FILLING IT OUT, ON QUESTION 39, YOU
02:33PM 18 TALKED ABOUT THAT YOU WERE UNSURE ABOUT YOUR ABILITY TO BE
02:33PM 19 IMPARTIAL.

02:33PM 20 DO YOU RECALL THAT, SIR?

02:33PM 21 PROSPECTIVE JUROR: I THINK I DO. I THINK I DO. IF
02:33PM 22 YOU COULD REMIND ME OF THE EXACT QUESTION. I THINK IT HAD TO
02:33PM 23 DO WITH LIKE WHETHER I COULD -- I FORGET. IF YOU COULD -- I DO
02:33PM 24 REMEMBER THE ANSWER, I JUST DON'T REMEMBER THE EXACT QUESTION.

02:33PM 25 MR. COOPERSMITH: YES, SIR.

02:33PM 1 THE QUESTION IN GENERAL HAD TO DO WITH WHETHER -- I CAN
02:34PM 2 TELL YOU EXACTLY. HOLD ON.

02:34PM 3 QUESTION 39.

02:34PM 4 PROSPECTIVE JUROR: YEAH. AND I ASK BECAUSE I KNOW
02:34PM 5 I WROTE KIND OF A DESCRIPTOR AFTER I CHECKED OFF "I DON'T
02:34PM 6 KNOW."

02:34PM 7 MR. COOPERSMITH: YES. OF COURSE.

02:34PM 8 PROSPECTIVE JUROR: YEAH.

02:34PM 9 MR. COOPERSMITH: "QUESTION 39. WILL ANYTHING THAT
02:34PM 10 YOU DESCRIBED ABOVE AFFECT YOUR ABILITY TO BE FAIR AND
02:34PM 11 IMPARTIAL TO THE GOVERNMENT AND MR. BALWANI IN THIS CASE?"

02:34PM 12 AND YOU CHECKED "YES."

02:34PM 13 AND MY QUESTION TO YOU IS --

02:34PM 14 THE COURT: I'M SORRY, 39?

02:34PM 15 MR. COOPERSMITH: YES, QUESTION 39.

02:34PM 16 THE COURT: AND WHAT DID HE CHECK? --

02:34PM 17 MR. COOPERSMITH: I BELIEVE HE CHECKED HE WAS
02:34PM 18 UNSURE.

02:34PM 19 PROSPECTIVE JUROR: YEAH, IT WAS DEFINITELY UNSURE.
02:34PM 20 I DON'T KNOW. I DON'T RECALL THE EXACT ANSWER, BUT I'M PRETTY
02:34PM 21 SURE IT WAS EITHER UNSURE OR I DON'T KNOW.

02:35PM 22 MR. COOPERSMITH: OKAY. COULD YOU GIVE US A LITTLE
02:35PM 23 MORE DETAIL AS TO WHY YOU WERE UNSURE ABOUT YOUR ABILITY TO BE
02:35PM 24 IMPARTIAL IF THAT'S TRUE?

02:35PM 25 PROSPECTIVE JUROR: I THINK AT THE TIME I WAS

02:35PM 1 ANSWERING THE QUESTIONNAIRE IT WAS ABOUT HOW WE WERE BOMBARDED
02:35PM 2 NOT JUST BY MEDIA BUT ABOUT HOW CORPORATIONS KIND OF TAKE
02:35PM 3 ADVANTAGE OF PEOPLE AND THINGS LIKE THAT.

02:35PM 4 AND I THINK THAT IN ANSWERING THAT QUESTION AS HONESTLY AS
02:35PM 5 I COULD, I FELT LIKE THERE WAS A PART OF ME THAT IS AFFECTED BY
02:35PM 6 JUST THE GENERAL, YOU KNOW, INFORMATION THAT IS OUT THERE ABOUT
02:35PM 7 HOW CORPORATE STRUCTURES AND THINGS LIKE THAT WORK AND NOT
02:35PM 8 ALWAYS TO THE ADVANTAGE OF US, LIKE, NORMAL PEOPLE.

02:35PM 9 SO I GUESS THAT'S WHY I ANSWERED THE WAY THAT I DID.

02:35PM 10 MR. COOPERSMITH: AND DO YOU PUT THERANOS IN THAT
02:35PM 11 CATEGORY OF CORPORATIONS THAT YOU HAVE CERTAIN VIEWS ABOUT?

02:35PM 12 PROSPECTIVE JUROR: I MEAN, NOT SPECIFICALLY, BUT I
02:35PM 13 THINK -- AGAIN, GOING BACK TO LIKE THE WHOLE BLOOD TESTING SORT
02:36PM 14 OF GENRE KNOWING THAT IT COULD HAVE BEEN VERY HELPFUL TO ME AND
02:36PM 15 FINDING OUT LIKE THE THINGS THAT CAME OUT IN THE MEDIA, I FELT
02:36PM 16 NOT BETRAYED BECAUSE I DIDN'T HAVE ANY SKIN IN THE GAME IN IT,
02:36PM 17 BUT I FELT LIKE THERE GOES ANOTHER CORPORATION NOT MAKING GOOD
02:36PM 18 ON THEIR WORD SORT OF THING.

02:36PM 19 I MEAN, THAT'S JUST THE OPINION SORT OF FEELING.

02:36PM 20 MR. COOPERSMITH: AND DO YOU THINK THAT -- I
02:36PM 21 UNDERSTAND JUDGE DAVILA HAS TOLD YOU, CORRECTLY, OF COURSE,
02:36PM 22 THAT YOU HAVE TO PUT ALL OF THAT OUT OF YOUR MIND AND FOLLOW
02:36PM 23 OVER THE EVIDENCE IN THE CASE.

02:36PM 24 DO YOU UNDERSTAND THAT?

02:36PM 25 PROSPECTIVE JUROR: YEAH, ABSOLUTELY.

02:36PM 1 MR. COOPERSMITH: AND DO YOU THINK THAT THAT WOULD
02:36PM 2 BE DIFFICULT GIVEN WHAT YOU HAVE ALREADY READ AND THOUGHT
02:36PM 3 ABOUT, YOU KNOW, WITH REGARD TO THERANOS AND CORPORATIONS IN
02:36PM 4 SILICON VALLEY AND ELSEWHERE.

02:36PM 5 PROSPECTIVE JUROR: I MEAN, I THINK LIKE GIVEN
02:36PM 6 INSTRUCTIONS AND KNOWING THAT I HAVE A SPECIFIC PURPOSE, I
02:36PM 7 DON'T SEE A PROBLEM WITH LIKE TRYING TO MAKE THAT DECISION.

02:37PM 8 AND THEN WE TALKED ABOUT IT EARLIER, THERE'S ALWAYS THAT
02:37PM 9 UNDERTONE OR OVERTONE OF THINGS THAT YOU KNOW OR FEEL, BUT I
02:37PM 10 THINK PRESENTED WITH THE EVIDENCE AND IF IT WAS REAL AND
02:37PM 11 FACTUAL, THAT, YEAH, I COULD SEE MYSELF MAKING FAIR ASSESSMENTS
02:37PM 12 REGARDLESS OF MY GENERAL THOUGHTS.

02:37PM 13 MR. COOPERSMITH: THANK YOU. AND DO YOU FEEL THAT
02:37PM 14 WE AS THE DEFENSE WOULD HAVE TO PRODUCE EVIDENCE TO CONVINCE
02:37PM 15 YOU OF THINGS THAT YOU OTHERWISE BELIEVE FROM YOUR PRIOR
02:37PM 16 KNOWLEDGE OF THE CASE?

02:37PM 17 PROSPECTIVE JUROR: I GUESS I WOULD SAY PROBABLY
02:37PM 18 JUST BECAUSE -- PROBABLY A LOT OF PEOPLE HERE, MOST OF THEIR
02:37PM 19 EXPOSURE TO THE COURTROOM IS IN DRAMA SHOWS AND LIKE IT'S LIKE
02:37PM 20 THIS EXPECTATION THAT THERE'S LIKE A TWO-WAY SORT OF
02:37PM 21 CONVERSATION BETWEEN THE ACCUSER AND THE DEFENDANT.

02:38PM 22 SO IN THAT WAY I WOULD JUST KIND OF NATURALLY EXPECT THAT
02:38PM 23 THE DEFENSE WOULD TRY TO PROVIDE SOME OF THAT EVIDENCE, BUT,
02:38PM 24 AGAIN, THIS IS ALL BASED ON COURTROOM T.V.

02:38PM 25 MR. COOPERSMITH: RIGHT. THANK YOU.

02:38PM 1 AND IF WE DID NOT PRODUCE ANY EVIDENCE AT ALL AND NEVER
02:38PM 2 PUT ON A CASE, WOULD THAT MAKE YOU BELIEVE THAT IT'S MORE
02:38PM 3 LIKELY THAT MR. BALWANI IS GUILTY, JUST THAT FACTOR ALONE?

02:38PM 4 PROSPECTIVE JUROR: I WOULD NOT SAY THAT NO EVIDENCE
02:38PM 5 WOULD EQUAL LIKE GUILT. IT WOULD HAVE TO DEPEND ON WHETHER THE
02:38PM 6 GOVERNMENT PROVIDED THE ADEQUATE EVIDENCE TO HELP ME WITH MY
02:38PM 7 DECISION; RIGHT?

02:38PM 8 MR. COOPERSMITH: OKAY. THANK YOU.

02:39PM 9 JUROR NUMBER 45.

02:39PM 10 SO THE FIRST QUESTION I WANTED TO ASK YOU, SIR, YOU
02:39PM 11 MENTIONED BEFORE THAT YOU WROTE TO OR CONTACTED THE UKRANIAN
02:39PM 12 EMBASSY AND YOU OFFERED TO GO TO FIGHT ON BEHALF OF THE
02:39PM 13 UKRANIANS.

02:39PM 14 PROSPECTIVE JUROR: YES, SIR. IT WOULD BE VERY
02:39PM 15 STRANGE IF I FOUGHT ON THE SIDE OF RUSSIANS.

02:39PM 16 MR. COOPERSMITH: YES, SIR.

02:39PM 17 AND IS THAT SOMETHING THAT YOU THINK IS GOING TO HAPPEN OR
02:39PM 18 IT'S SOMETHING THAT YOU HOPE TO DO, OR DO YOU HAVE ANY REASON
02:39PM 19 TO THINK THAT YOU WOULD BE ACCEPTED FOR THAT PROGRAM OR
02:40PM 20 WHATEVER IT TAKES TO GO THERE?

02:40PM 21 PROSPECTIVE JUROR: SO THE UKRAINIAN GOVERNMENT PUT
02:40PM 22 OUT THE CALL FOR FOREIGN VOLUNTEERS, AND I FOLLOWED ALL OF THE
02:40PM 23 INSTRUCTIONS PROVIDED BY UKRANIAN JOURNALISTS AND THE
02:40PM 24 GOVERNMENT ITSELF.

02:40PM 25 THAT BEING SAID, I'VE CALLED THE CONSULATE AND THE

02:40PM 1 EMBASSY, AND I HAVE NOT HEARD ANYTHING BACK FROM THEM. THAT
02:40PM 2 WAS ABOUT A WEEK AGO. SO I DON'T KNOW IF I'M GOING TO BE
02:40PM 3 CALLED OR NOT.

02:40PM 4 MR. COOPERSMITH: AND DO YOU KNOW OF OTHER PEOPLE
02:40PM 5 YOU'RE AWARE OF WHO HAVE BEEN CALLED AFTER GOING THROUGH A
02:40PM 6 SIMILAR PROCESS THAT YOU HAVE?

02:40PM 7 PROSPECTIVE JUROR: I'VE READ ABOUT THEM, YES.

02:40PM 8 MR. COOPERSMITH: OKAY. AND IF THAT HAPPENED, WHEN
02:40PM 9 WOULD YOU HAVE TO LEAVE?

02:40PM 10 PROSPECTIVE JUROR: I HAVE NO IDEA.

02:40PM 11 MR. COOPERSMITH: OKAY. THANK YOU.

02:40PM 12 I ALSO WANTED TO ASK YOU ABOUT YOUR EXPOSURE TO THE
02:40PM 13 THERANOS CASE IN THE MEDIA, AND I THINK YOU SAID IN YOUR
02:40PM 14 QUESTIONNAIRE YOU LOOKED AT SOME INTERNET MEDIA AND ALSO SOME
02:40PM 15 COMMENTARY; IS THAT RIGHT?

02:40PM 16 PROSPECTIVE JUROR: YES.

02:40PM 17 MR. COOPERSMITH: DO YOU REMEMBER WHAT MEDIA IT WAS
02:40PM 18 AND WHAT COMMENTARY IT WAS?

02:41PM 19 PROSPECTIVE JUROR: YES. IT WAS MOSTLY SPURRED BY A
02:41PM 20 COMEDY PODCAST THAT I LISTENED TO, AND THEN I DID A LITTLE BIT
02:41PM 21 OF LOOKING THROUGH THE HEADLINES MYSELF AND JUST GETTING MORE
02:41PM 22 FAMILIAR WITH THE CASE.

02:41PM 23 MR. COOPERSMITH: HOW MUCH HAVE YOU DONE? A LOT? A
02:41PM 24 LITTLE? HOW WOULD YOU CHARACTERIZE THAT?

02:41PM 25 PROSPECTIVE JUROR: THIS WAS A FEW YEARS AGO, SO MY

02:41PM 1 MEMORY IS A LITTLE BIT HAZY, BUT I REMEMBER HEARING ABOUT IT,
02:41PM 2 LOOKING INTO IT A BIT, BUT NOT DEDICATING MORE THAN, SAY, HALF
02:41PM 3 AN HOUR TO AN HOUR TO IT.

02:41PM 4 SO I DIDN'T GET SUPER DEEP INTO IT.

02:41PM 5 MR. COOPERSMITH: AND BASED ON WHAT YOU DID REVIEW,
02:41PM 6 DID YOU FORM AN OPINION ABOUT THIS CASE, AND WITHOUT TELLING US
02:41PM 7 WHAT IT IS, DID YOU FORM AN OPINION?

02:41PM 8 PROSPECTIVE JUROR: ABOUT THE ELIZABETH HOLMES CASE?

02:41PM 9 MR. COOPERSMITH: YES.

02:41PM 10 PROSPECTIVE JUROR: I DID FORM AN OPINION, BUT I
02:41PM 11 DON'T BELIEVE IT'S ONE THAT IS TERRIBLY RELEVANT TO THIS CASE
02:42PM 12 BECAUSE, AS I MENTIONED EARLIER, I BELIEVE MY ROLE AS A JUROR
02:42PM 13 IS TO LOOK AT THE EVIDENCE SOBERLY, AND AS THE JUDGE HAS
02:42PM 14 POINTED OUT, IT'S MY RESPONSIBILITY TO HAVE MY HAND HOVERING
02:42PM 15 OVER THE INNOCENT BUTTON UNTIL THE PROSECUTION CONVINCES ME TO
02:42PM 16 MOVE MY HAND OVER TO THE GUILTY BUTTON, AND THEN DROP IT DOWN.

02:42PM 17 MR. COOPERSMITH: THANK YOU.

02:42PM 18 ONE OTHER THING JUST TO FINISH THIS OUT, SIR. YOU TALKED
02:42PM 19 ABOUT, I THINK WHEN JUDGE DAVILA WAS ASKING YOU QUESTIONS -- I
02:42PM 20 JUST WANT TO GET THIS EXACTLY RIGHT. YES.

02:43PM 21 YOU SAID YOU WERE SKEPTICAL OF SILICON VALLEY STARTUP
02:43PM 22 CULTURE; IS THAT RIGHT?

02:43PM 23 PROSPECTIVE JUROR: YES.

02:43PM 24 MR. COOPERSMITH: AND DO YOU HAVE SOME EXPERIENCE
02:43PM 25 THAT MAKES YOU SKEPTICAL IN THAT WAY?

02:43PM 1 PROSPECTIVE JUROR: I HAVE A VERY LIMITED AMOUNT OF
02:43PM 2 PERSONAL EXPERIENCE WITH SILICON VALLEY STARTUPS. I DID WORK
02:43PM 3 FOR A NASCENT GAME DEVELOPMENT COMPANY A LITTLE BIT, AND MY
02:43PM 4 EXPERIENCE WAS THERE WAS NOT GREAT, BUT THAT'S JUST THE NATURE
02:43PM 5 OF HAVING AN ENTRY LEVEL JOB, OFTEN YOUR BOSSES ARE NOT GREAT
02:43PM 6 TO YOU.

02:43PM 7 I'D SAY THAT MOST OF MY SKEPTICISM IS BORNE OUT FROM JUST
02:43PM 8 WHAT I'VE READ AND SEEN IN THE NEWS OR JUST TAKING A PEEK AT
02:43PM 9 INFORMATION FOR MYSELF BASED ON LIKE JOURNALISTS THAT I THINK
02:44PM 10 ARE PRETTY LEGITIMATE.

02:44PM 11 MR. COOPERSMITH: THANK YOU. AND I THINK I HEARD
02:44PM 12 YOU SAY IT CORRECTLY WHEN JUDGE DAVILA ASKED YOU THE QUESTION
02:44PM 13 YOU THOUGHT IT MIGHT BE FUNNY WHEN A SILICON VALLEY COMPANY
02:44PM 14 FAILED.

02:44PM 15 DO YOU REMEMBER SAYING THAT?

02:44PM 16 PROSPECTIVE JUROR: OH, YES, ABSOLUTELY. I MEAN ONE
02:44PM 17 OF THE CORNERSTONES OF COMEDY IS WATCHING A POWERFUL PERSON
02:44PM 18 TRIP AND FALL ON A BANANA PEEL. SO I WOULD BE DISHONEST IF I
02:44PM 19 SAID THAT I DON'T FIND IT KIND OF HUMOROUS WHEN PEOPLE WHO KIND
02:44PM 20 OF USUALLY SEEN AS PILLARS OF ECONOMIC OR POLITICAL POWER GET
02:44PM 21 CAUGHT WITH THEIR TROUSERS DOWN EVERY ONCE IN A WHILE.

02:44PM 22 MR. COOPERSMITH: AND I UNDERSTAND THE COMEDY POINT,
02:44PM 23 SO THANK YOU.

02:44PM 24 I JUST WONDER, THOUGH, IF THAT VIEW WOULD COLOR YOUR VIEW
02:44PM 25 OF THIS CASE?

02:44PM 1 IN OTHER WORDS, WOULD IT BE SOMEHOW, YOU KNOW, PLEASING TO
02:45PM 2 YOU TO SEE LIKE A GUILTY VERDICT IN THIS CASE BECAUSE THAT
02:45PM 3 MIGHT BE AN EXAMPLE OF SOMEONE SLIPPING ON A BANANA PEEL, FOR
02:45PM 4 LACK OF A BETTER WORD?

02:45PM 5 PROSPECTIVE JUROR: I COULD SEE WHERE THAT CONCERN
02:45PM 6 WOULD COME FROM, HOWEVER, I DON'T BELIEVE THAT THAT WOULD BE
02:45PM 7 PARTICULARLY TICKLING TO ME IN THIS CASE BECAUSE THE
02:45PM 8 DEFENDANT -- WELL, I DON'T KNOW WHAT THE OUTCOME OF A VERDICT
02:45PM 9 WOULD BE, BUT I KNOW THAT DRESSING DOWN THE DEFENDANT, SO TO
02:45PM 10 SPEAK, WITH A GUILTY VERDICT JUST FOR THE SAKE OF A CHEAP LAUGH
02:45PM 11 WOULD NOT BE APPROPRIATE, BECAUSE AS I SAID BEFORE, MY ROLE AS
02:45PM 12 A JUROR IS TO ASSESS THE EVIDENCE AND PRODUCE A VERDICT THAT I
02:45PM 13 THINK IS CORRECT.

02:45PM 14 MR. COOPERSMITH: THANK YOU, SIR. IF YOU COULD HAND
02:45PM 15 THE MICROPHONE OVER --

02:45PM 16 THE COURT: EXCUSE ME. MAY I ASK A QUESTION BEFORE
02:45PM 17 JUROR 45 LEAVES?

02:45PM 18 I WAS CURIOUS ABOUT A RESPONSE TO QUESTION 29. I'M
02:45PM 19 CURIOUS, SIR, COULD YOU TELL US WHAT A TABLETOP RPG IS?

02:46PM 20 PROSPECTIVE JUROR: SO HAVE YOU HEARD OF DUNGEONS
02:46PM 21 AND DRAGONS?

02:46PM 22 THE COURT: OH, I SEE, IT'S A REFERENCE TO THAT.

02:46PM 23 PROSPECTIVE JUROR: YES, IT IS.

02:46PM 24 THE COURT: OKAY. THAT ANSWERS MY QUESTION. I'M
02:46PM 25 SORRY, MR. COOPERSMITH.

02:46PM 1 MR. COOPERSMITH: NO PROBLEM AT ALL, YOUR HONOR.

02:46PM 2 COULD YOU HAND THE MICROPHONE OVER TO JUROR 50 WHO IS
02:46PM 3 SEATED AGAINST THE WALL, I BELIEVE.

02:46PM 4 THE FIRST THING I WANTED TO ASK YOU, AND I'M SORRY, I
02:46PM 5 CALLED YOU JUROR 50. YOU TALKED THIS MORNING EARLIER ABOUT
02:46PM 6 HAVING BACK PAIN, AND I'M SORRY YOU'RE GOING THROUGH THAT. AND
02:46PM 7 I THOUGHT THERE MIGHT BE A CHANCE WHERE THE PROBLEM ROSE TO THE
02:46PM 8 LEVEL WHERE YOU WERE UNCOMFORTABLE. I JUST WANT TO MAKE SURE
02:46PM 9 YOU WERE AS COMFORTABLE AS POSSIBLE.

02:46PM 10 IF YOU ARE SEATED AS A JUROR IN THIS CASE, HOW CONCERNED
02:46PM 11 ARE YOU THAT YOU WOULD HAVE AN ISSUE WITH YOUR BACK OR
02:46PM 12 SOMETHING ELSE THAT, YOU KNOW, WOULD CAUSE YOU TO HAVE TO MISS
02:47PM 13 TIME OR HAVE SOME OTHER DISCOMFORT?

02:47PM 14 PROSPECTIVE JUROR: AT THIS POINT VERY BECAUSE THE
02:47PM 15 PAIN IS VERY BAD RIGHT NOW SO --

02:47PM 16 MR. COOPERSMITH: EVEN AS YOU SIT HERE RIGHT NOW?

02:47PM 17 PROSPECTIVE JUROR: YES.

02:47PM 18 MR. COOPERSMITH: I'M REALLY SORRY TO HEAR THAT.

02:47PM 19 PROSPECTIVE JUROR: YES.

02:47PM 20 MR. COOPERSMITH: AND I DON'T WANT TO PRY INTO YOUR
02:47PM 21 PERSONAL MEDICAL SITUATION, BUT TO THE EXTENT THAT YOU CAN TELL
02:47PM 22 ME, DO YOUR DOCTORS HAVE ANY GOOD NEWS FOR YOU THAT MAYBE THIS
02:47PM 23 PAIN WILL SUBSIDE OR BE MANAGEABLE OVER THE COURSE OF THE NEXT
02:47PM 24 FEW MONTHS AT LEAST?

02:47PM 25 PROSPECTIVE JUROR: BECAUSE IT'S NOT BASED ON A

02:47PM 1 PHYSICAL INJURY, THEY DON'T REALLY KNOW. IT'S PROBABLY
02:47PM 2 AGGRAVATED BY SITTING A LOT, AND MY JOB REQUIRES ME TO SIT A
02:47PM 3 LOT. SO SOMETIMES IF I'M NOT CAREFUL, THAT ENDS UP HAPPENING
02:47PM 4 WHERE I COULD SIT FOR HOURS AND THAT IS VERY AGGRAVATING.

02:47PM 5 MR. COOPERSMITH: I SEE.

02:47PM 6 AS YOU'RE SITTING HERE, YOU KNOW, AND I'M SORRY,
02:47PM 7 EXPERIENCING PAIN APPARENTLY, DO YOU FIND IT HARD TO FOCUS ON
02:48PM 8 WHAT IS GOING ON AROUND YOU OR IS THAT NOT A PROBLEM FOR YOU?

02:48PM 9 PROSPECTIVE JUROR: NO, IT'S BECOMING WORSE AND
02:48PM 10 WORSE AS MY MEDICATION IS WEARING OFF.

02:48PM 11 MR. COOPERSMITH: OKAY. AND HOW ABOUT TODAY?
02:48PM 12 OBVIOUSLY THERE'S BEEN QUESTIONS AND THERE'S BEEN PROCEEDINGS,
02:48PM 13 AND YOU'VE BEEN HERE, HAS IT BEEN DIFFICULT FOR YOU TO FOLLOW
02:48PM 14 OR FOCUS BECAUSE OF THE PAIN THAT YOU'RE EXPERIENCING?

02:48PM 15 PROSPECTIVE JUROR: I WOULD SAY SO A LITTLE BIT.

02:48PM 16 MR. COOPERSMITH: OKAY. AGAIN, I'M VERY SORRY TO
02:48PM 17 HEAR THAT. I DO HOPE IT GETS BETTER.

02:48PM 18 WITH -- TURNING TO A DIFFERENT SUBJECT, LOOKING AT YOUR
02:48PM 19 QUESTIONNAIRE, IT LOOKS LIKE YOU HAVE SOME STRONG OPINIONS OF
02:48PM 20 THE THERANOS CASE.

02:48PM 21 IS THAT A FAIR WAY TO PUT IT?

02:48PM 22 PROSPECTIVE JUROR: I MEAN, BASED ON WHAT I'VE READ
02:48PM 23 AND WHAT I'VE HEARD.

02:48PM 24 THE COURT: MR. COOPERSMITH, COULD I -- I'M SORRY.
02:48PM 25 COULD I INTERRUPT YOUR COLLOQUY FOR JUST A MOMENT, PLEASE?

02:48PM 1 MR. COOPERSMITH: ABSOLUTELY.

02:48PM 2 THE COURT: THANK YOU. I WANT TO GO BACK TO THE
02:48PM 3 QUESTION ABOUT PAIN.

02:48PM 4 MR. COOPERSMITH: YES, YOUR HONOR.

02:48PM 5 THE COURT: THANK YOU.

02:48PM 6 AND JUROR NUMBER 50, YOU MENTIONED MEDICATION. AND PARDON
02:49PM 7 ME FOR INTERRUPTING YOUR CONVERSATION.

02:49PM 8 YOU TAKE MEDICATION THEN DAILY, DO YOU?

02:49PM 9 PROSPECTIVE JUROR: YES.

02:49PM 10 THE COURT: AND THIS IS FOR PAIN?

02:49PM 11 PROSPECTIVE JUROR: YES, INFLAMMATION.

02:49PM 12 THE COURT: I SEE. IT'S AN INFLAMMATION REDUCING
02:49PM 13 TYPE OF MEDICATION?

02:49PM 14 PROSPECTIVE JUROR: YES.

02:49PM 15 THE COURT: AND I'M HAPPY TO SPEAK WITH YOU
02:49PM 16 PRIVATELY IF YOU WOULD LIKE, IF YOU PREFER. I'M NOT GOING TO
02:49PM 17 TRY TO INQUIRE ABOUT ANY PERSONAL INFORMATION, BUT IF YOU COULD
02:49PM 18 TELL US, WHEN YOU TAKE THE MEDICATION, DOES IT CAUSE YOU TO BE
02:49PM 19 LESS ATTENTIVE, SHALL WE SAY? DOES IT IN ANY WAY LESSEN YOUR
02:49PM 20 ABILITY TO UNDERSTAND INDIVIDUALS WHEN THEY SPEAK? DOES IT
02:49PM 21 AFFECT ANY OF THOSE COGNITIVE TYPE OF ISSUES.

02:49PM 22 PROSPECTIVE JUROR: THE PAIN MEDICATION DOES NOT,
02:49PM 23 NO.

02:49PM 24 THE COURT: I SEE. DOES IT, DOES IT CAUSE YOU IN
02:49PM 25 ANY WAY TO NOT UNDERSTAND INDIVIDUALS WHEN THEY SPEAK,

02:49PM 1 COMMUNICATION, WRITING, THOSE TYPES OF THINGS?

02:49PM 2 PROSPECTIVE JUROR: NO.

02:50PM 3 THE COURT: OKAY. BUT THE MEDICATION DOES ASSIST
02:50PM 4 YOU IN RELIEVING THE PAIN THAT YOU HAVE?

02:50PM 5 PROSPECTIVE JUROR: SOMEWHAT.

02:50PM 6 THE COURT: NOT --

02:50PM 7 PROSPECTIVE JUROR: NO, NOT WHEN IT'S BAD.

02:50PM 8 THE COURT: I SEE. AND WHEN IT'S BAD, THAT'S
02:50PM 9 SOMETHING THAT IT SOUNDS LIKE IT'S NOT PREDICTABLE?

02:50PM 10 PROSPECTIVE JUROR: THAT'S CORRECT.

02:50PM 11 THE COURT: IT FLARES UP I THINK YOU TOLD ME THIS
02:50PM 12 MORNING?

02:50PM 13 PROSPECTIVE JUROR: WELL, IT'S BEEN A COUPLE OF
02:50PM 14 WEEKS. FLARE UP NOT DAY-TO-DAY BUT MORE LIKE A PERIOD OF TIME
02:50PM 15 WHERE IT COULD TAKE A WHILE TO GET BETTER AGAIN.

02:50PM 16 THE COURT: I SEE. AND YOU'RE IN ONE OF THOSE
02:50PM 17 PERIODS NOW, ARE YOU?

02:50PM 18 PROSPECTIVE JUROR: CORRECT.

02:50PM 19 THE COURT: SO WHEN YOU HAVE -- WHEN YOU'RE IN THIS
02:50PM 20 PERIOD OF PAIN, MY SENSE IS THAT PAIN MANAGEMENT IS A CHALLENGE
02:50PM 21 FOR EVERYONE AND WHO HAS AN INJURY, I RESPECT THAT.

02:51PM 22 MY SENSE IS WHEN PAIN IS UPON US, WE ALL DEAL WITH IT IN
02:51PM 23 DIFFERENT WAYS. BUT I'M CURIOUS, MA'AM, JUROR NUMBER 50, THAT
02:51PM 24 SITTING AS A JUROR IN THIS CASE FOR THE DURATION OF THE TIME
02:51PM 25 THAT IS ALLOTTED HERE, AND BASED ON YOUR MEDICAL HISTORY AND

02:51PM 1 MANAGEMENT OF THIS -- YOUR BACK ISSUE, IS THIS SOMETHING THAT
02:51PM 2 YOU, WITH SOME DEGREE OF CERTAINTY, CAN PREDICT IT'S GOING TO
02:51PM 3 REOCCUR DURING YOUR TIME AS A JUROR IF YOU'RE SEATED AS A
02:51PM 4 JUROR? DO YOU THINK THAT?

02:51PM 5 PROSPECTIVE JUROR: I MEAN, I THINK SO BECAUSE THE
02:51PM 6 REASON I THINK IT'S BEEN AGGRAVATED MORE BECAUSE I'VE BEEN
02:51PM 7 SITTING MORE, AND I'VE JUST STARTED A NEW JOB, AND IT'S
02:51PM 8 STRESSFUL SO I HAVE NOT BEEN TAKING MUCH CARE OF IT AND IT'S
02:51PM 9 DETERIORATED.

02:51PM 10 THE COURT: I SEE. YOU'RE SITTING IN THE HARD
02:51PM 11 SEATS, THE WOOD SEATS, AS OPPOSED TO THESE LOVELY LUXURIOUS
02:51PM 12 LEATHER SEATS WHERE YOUR COLLEAGUES ARE.

02:51PM 13 DO YOU THINK THAT MAKES A DIFFERENCE AS TO THE PAIN
02:51PM 14 MANAGEMENT? HAVE YOU NOTICED THAT?

02:52PM 15 PROSPECTIVE JUROR: LUCKILY I AM WORKING FROM HOME
02:52PM 16 AND I SWITCH POSITION EVERY TEN MINUTES SO I WILL LIE DOWN,
02:52PM 17 STAND UP, I WILL LIEN. IT'S BEEN PARTICULARLY ROUGH.

02:52PM 18 THE COURT: AND I SEE. THAT'S WHAT HAPPENS WHEN YOU
02:52PM 19 HAVE THE AGGRAVATED PAIN?

02:52PM 20 PROSPECTIVE JUROR: WHEN IT'S REALLY BAD.

02:52PM 21 THE COURT: I SEE. OKAY. THANK YOU.

02:52PM 22 MR. COOPERSMITH, YOU CAN MOVE ON TO OTHER TOPICS OR OTHER
02:52PM 23 JURORS IF YOU WISH.

02:52PM 24 MR. COOPERSMITH: JUROR NUMBER 52 IS OVER THERE. IF
02:52PM 25 YOU COULD PASS THE MICROPHONE.

02:53PM 1 PROSPECTIVE JUROR: GOOD AFTERNOON.

02:53PM 2 MR. COOPERSMITH: GOOD AFTERNOON, SIR. THANK YOU.

02:53PM 3 SO THE FIRST QUESTION I WANT TO ASK YOU, AND IF THERE'S
02:53PM 4 ANY REASON THAT YOU DON'T WANT TO DISCUSS THIS IN PUBLIC, THEN
02:53PM 5 YOU SHOULD SAY SO, OKAY?

02:53PM 6 PROSPECTIVE JUROR: SURE.

02:53PM 7 MR. COOPERSMITH: THERE WAS A QUESTION ON THE
02:53PM 8 QUESTIONNAIRE, AND I THINK THE JUDGE ASKED YOU, AND IT'S ABOUT
02:53PM 9 ANY PRIOR EXPERIENCE WITH THE CRIMINAL JUSTICE SYSTEM.

02:53PM 10 DO YOU RECALL THAT TYPE OF QUESTION?

02:53PM 11 PROSPECTIVE JUROR: YES, I DO.

02:53PM 12 THE COURT: OKAY.

02:53PM 13 MR. COOPERSMITH: IS THERE ANYTHING THAT YOU WOULD
02:53PM 14 LIKE TO DISCUSS IN PRIVATE OR ANYTHING OF THAT NATURE THAT YOU
02:53PM 15 WOULDN'T BE COMFORTABLE TALKING ABOUT HERE IN PUBLIC?

02:53PM 16 PROSPECTIVE JUROR: NO. I CAN TALK ABOUT IT IN
02:53PM 17 PUBLIC.

02:53PM 18 MR. COOPERSMITH: PLEASE GO AHEAD AND TELL ME ABOUT
02:53PM 19 YOUR EXPERIENCE.

02:53PM 20 PROSPECTIVE JUROR: I MEAN, I HAVE BEEN ON THE
02:53PM 21 DEFENDANT'S SIDE OF THE LAW, AND SO I GUESS MY OPINION OF BEING
02:53PM 22 A DEFENDANT IS GENERALLY IF YOU'RE ACCUSED OR BEING INDICTED
02:53PM 23 FOR SOMETHING, IT'S GENERALLY YOU'RE GUILTY OF IT.

02:54PM 24 WHETHER OR NOT IT CAN BE PROVEN OR NOT IS A DIFFERENT
02:54PM 25 STORY.

02:54PM 1 SO BEING ON THE -- I HAVE BEEN ON THAT SIDE OF THE LAW
02:54PM 2 BEFORE WHEN I WAS YOUNGER AND IN MY YOUTH. SO JUST GENERALLY,
02:54PM 3 IF YOU'RE BEING ACCUSED OF SOMETHING, IT'S GENERALLY BECAUSE
02:54PM 4 YOU'RE -- YOU DID SOMETHING WRONG, AGAIN, WHETHER YOU CAN PROVE
02:54PM 5 IT OR NOT.

02:54PM 6 MR. COOPERSMITH: AND THAT COMES FROM YOUR PERSONAL
02:54PM 7 EXPERIENCE? PROSPECTIVE JUROR: CORRECT.

02:54PM 8 MR. COOPERSMITH: AND IN YOUR CASE -- AND IT SOUNDS
02:54PM 9 LIKE IT WAS SOME TIME AGO? PROSPECTIVE JUROR: IT WAS.

02:54PM 10 MR. COOPERSMITH: I'M SORRY PROSPECTIVE JUROR: IT
02:54PM 11 WAS SOME TIME AGO.

02:54PM 12 MR. COOPERSMITH: DID YOU GO TO TRIAL IN YOUR CASE
02:54PM 13 OR DID YOU ENTER A GUILTY PLEA, OR HOW DID IT WORK OUT?

02:54PM 14 PROSPECTIVE JUROR: I DID GO TO TRIAL, AND I DID ENTER A PLEA.

02:54PM 15 MR. COOPERSMITH: SO YOU DID ENTER A GUILTY PLEA?

02:54PM 16 PROSPECTIVE JUROR: YES, OR NONE -- I'M SORRY, IT'S BEEN A LONG
02:54PM 17 TIME.

02:54PM 18 MR. COOPERSMITH: JUST TO BE CLEAR, WAS THERE A JURY
02:54PM 19 THAT REACHED A VERDICT IN YOUR CASE? PROSPECTIVE JUROR: NO,
02:55PM 20 THERE WAS NO JURY, JUST A JUDGE.

02:55PM 21 MR. COOPERSMITH: JUST A JUDGE.

02:55PM 22 AND WAS THERE A TRIAL WITH WITNESSES OR YOU COMING TO
02:55PM 23 COURT TO ACKNOWLEDGE WHAT YOU DID AND SO FORTH? PROSPECTIVE
02:55PM 24 JUROR: JUST COMING TO COURT AND ACKNOWLEDGE.

02:55PM 25 MR. COOPERSMITH: OKAY.

02:55PM 1 SO FROM YOUR OWN PERSONAL EXPERIENCE YOU THINK PEOPLE
02:55PM 2 CHARGED WITH THE CRIME ARE MORE LIKELY GUILTY, OR HOW WOULD YOU
02:55PM 3 PUT THAT IN YOUR OWN WORDS? PROSPECTIVE JUROR: IT'S MORE
02:55PM 4 LIKELY THAT THEY ARE GUILTY OF THAT CRIME ONLY BECAUSE LIKE,
02:55PM 5 AGAIN, WHETHER OR NOT IT CAN BE PROVEN IS A DIFFERENT STORY AND
02:55PM 6 WHETHER THEY WERE -- IF THEY WERE PROVEN TO BE INNOCENT, BUT I
02:55PM 7 STILL THINK THAT IF SOMEONE HAS BEEN ARRESTED, ACCUSED,
02:55PM 8 INDICTED, THERE'S SOME GUILT IN THAT.

02:55PM 9 MR. COOPERSMITH: AND WOULD YOU BE ABLE TO FOLLOW
02:55PM 10 THE JUDGE'S INSTRUCTIONS THAT THE DEFENDANT IS PRESUMED
02:55PM 11 INNOCENT UNTIL PROVEN GUILTY BEYOND A REASONABLE DOUBT, AND
02:55PM 12 THAT THE JURY DECIDES THAT AT THE CLOSE OF ALL OF THE EVIDENCE
02:56PM 13 IN THE CASE AND ALL OF THE ARGUMENTS OF THE ATTORNEYS?
02:56PM 14 PROSPECTIVE JUROR: YES, I CAN FOLLOW THE INSTRUCTIONS, BUT,
02:56PM 15 AGAIN, THERE ARE CERTAIN THINGS THAT ARE PRESENTED OR NOT
02:56PM 16 PRESENTED THAT MAY BE PROCEDURAL OR I DON'T KNOW HOW TO
02:56PM 17 DESCRIBE IT. CERTAIN EVENTS ARE EXCLUDED.

02:56PM 18 IT WOULD BE HARD FOR THE DEFENSE TO MAYBE PROVE THE
02:56PM 19 INNOCENCE I GUESS.

02:56PM 20 MR. COOPERSMITH: AND YOU THINK IT WOULD BE THE
02:56PM 21 DEFENSE'S OBLIGATION TO TRY TO PROVE THE INNOCENCE OF IN THIS
02:56PM 22 CASE MR. BALWANI? PROSPECTIVE JUROR: I THINK SO.

02:56PM 23 MR. COOPERSMITH: OKAY.

02:56PM 24 THE COURT: SIR, LET ME ASK SOME FOLLOW-UP
02:56PM 25 QUESTIONS.

02:56PM 1 MR. COOPERSMITH, WERE YOU MOVING TO ANOTHER JUROR?

02:56PM 2 MR. COOPERSMITH: YES.

02:56PM 3 THE COURT: SIR, FIRST OF ALL, YOUR EXPERIENCE IN

02:56PM 4 THE CRIMINAL JUSTICE SYSTEM, WAS THAT AS A JUVENILE?

02:57PM 5 PROSPECTIVE JUROR: AND A YOUNG ADULT.

02:57PM 6 THE COURT: AND AN ADULT? PROSPECTIVE JUROR: YES.

02:57PM 7 THE COURT: OKAY. THANK YOU.

02:57PM 8 YOU TOLD MR. COOPERSMITH, I BELIEVE YOU SAID IT WOULD BE

02:57PM 9 HARD FOR THE DEFENSE TO PROVE INNOCENCE, AND THEN

02:57PM 10 MR. COOPERSMITH TALKED TO YOU ABOUT THIS CONCEPT OF PRESUMPTION

02:57PM 11 OF INNOCENCE.

02:57PM 12 AND I JUST WANT TO MAKE SURE. DO YOU UNDERSTAND THE

02:57PM 13 CONCEPT OF PRESUMPTION OF INNOCENCE? PROSPECTIVE JUROR: YES,

02:57PM 14 PRESUMED INNOCENT UNTIL PROVEN GUILTY.

02:57PM 15 THE COURT: RIGHT. THAT'S THE WAY THE TRIAL WORKS.

02:57PM 16 DO YOU HAVE ANY TROUBLE LOOKING AT MR. BALWANI AS HE SITS

02:57PM 17 HERE TODAY AND PRESUMING HIM INNOCENT OF THESE CHARGES?

02:57PM 18 PROSPECTIVE JUROR: I DON'T KNOW HIM. AND SO I DON'T HAVE ANY

02:57PM 19 FEELINGS ONE WAY OR THE OTHER.

02:57PM 20 THE COURT: WELL, YOU HAVEN'T HEARD ANY EVIDENCE IN

02:57PM 21 THIS CASE OF COURSE? PROSPECTIVE JUROR: RIGHT.

02:57PM 22 THE COURT: SO DO YOU HAVE ANY DIFFICULTY KNOWING

02:57PM 23 THAT HE'S IN THE CRIMINAL JUSTICE SYSTEM AND IN THAT SYSTEM AN

02:58PM 24 INDIVIDUAL IS PRESUMED TO BE INNOCENT, NOT GUILTY?

02:58PM 25 THERE ARE SOME COUNTRIES IN THIS WORLD, ON THE PLANET THAT

02:58PM 1 DO HAVE A CRIMINAL JUSTICE SYSTEM THAT PRESUMES THE DEFENDANT
02:58PM 2 TO BE GUILTY AND THE DEFENDANT HAS TO PROVE THEIR INNOCENCE. I
02:58PM 3 THINK ONE OF THESE COUNTRIES IS INVOLVED IN A SKIRMISH IN
02:58PM 4 ANOTHER PART OF THE WORLD RIGHT NOW, AND THAT'S THEIR CRIMINAL
02:58PM 5 JUSTICE SYSTEM. IT'S NOT OURS.

02:58PM 6 DO YOU UNDERSTAND THAT? PROSPECTIVE JUROR: I UNDERSTAND
02:58PM 7 THAT.

02:58PM 8 THE COURT: SO RECOGNIZING THAT, I'M JUST TRYING TO
02:58PM 9 REINFORCE THIS CONCEPT, SIR, AND TRYING TO UNDERSTAND WHETHER
02:58PM 10 OR NOT YOU COULD FOLLOW THAT PRESUMPTION OF INNOCENCE OR NOT.
02:58PM 11 MAYBE YOU CAN'T, AND THAT'S FINE, TOO.

02:58PM 12 WE JUST WANT TO KNOW YOUR POSITION ON THAT PROSPECTIVE
02:58PM 13 JUROR: YES, I COULD FOLLOW THE INSTRUCTIONS AND LISTEN TO ALL
02:58PM 14 OF THE EVIDENCE, AGAIN, BUT THAT DOESN'T MEAN FOR ME -- AGAIN,
02:59PM 15 GENERALLY IF SOMEONE HAS BEEN INDICTED, THERE WAS ENOUGH
02:59PM 16 EVIDENCE THAT BROUGHT THEM HERE. THIS IS WHY WE'RE HERE.

02:59PM 17 SO --

02:59PM 18 THE COURT: OKAY. THOSE ARE A COUPLE OF DIFFERENT
02:59PM 19 CONCEPTS, WHAT BROUGHT SOMEBODY HERE, AND THEN GUILTY IS A
02:59PM 20 DIFFERENT CONCEPT. PROSPECTIVE JUROR: CORRECT.

02:59PM 21 THE COURT: DO YOU UNDERSTAND THAT? PROSPECTIVE
02:59PM 22 JUROR: YES.

02:59PM 23 THE COURT: SO MR. COOPERSMITH WAS ASKING, AND I'M
02:59PM 24 ASKING WE'RE NOW IN THE TRIAL SETTING AND AT A TRIAL AN
02:59PM 25 INDIVIDUAL ACCUSED IN OUR COUNTRY IS PRESUMED, PRESUMED TO BE

02:59PM 1 INNOCENT, PRESUMED TO BE NOT GUILTY.

02:59PM 2 AND CAN YOU ADHERE TO THAT PRESUMPTION? CAN YOU HOLD THE
02:59PM 3 GOVERNMENT TO THAT PRESUMPTION? PROSPECTIVE JUROR: YES.

02:59PM 4 THE COURT: OKAY. ARE YOU GOING TO REQUIRE
03:00PM 5 MR. COOPERSMITH AND HIS TEAM TO PROVE MR. BALWANI INNOCENT TO
03:00PM 6 YOU? PROSPECTIVE JUROR: NO.

03:00PM 7 THE COURT: DO YOU UNDERSTAND THOSE TWO CONCEPTS?
03:00PM 8 PROSPECTIVE JUROR: YES.

03:00PM 9 THE COURT: I'M VERY SERIOUS, AND I DON'T WANT YOU
03:00PM 10 TO ANSWER QUESTIONS JUST BECAUSE YOU THINK THAT'S WHAT HE WANTS
03:00PM 11 TO HEAR. I WANT TO KNOW YOUR TRUE FEELINGS HERE, AND SOMETIMES
03:00PM 12 THIS IS AN EDUCATIONAL PROCESS, IT IS.

03:00PM 13 YOU'VE NEVER HAD JURY SERVICE BEFORE I DON'T THINK?
03:00PM 14 PROSPECTIVE JUROR: NO, I HAVEN'T.

03:00PM 15 THE COURT: RIGHT. SO THAT'S WHAT THIS IS ABOUT,
03:00PM 16 AND PARDON ME. I JUST WANT TO CLARIFY THAT, THAT IN OUR SYSTEM
03:00PM 17 AN INDIVIDUAL WHO IS ACCUSED IS PRESUMED TO BE INNOCENT UNTIL,
03:00PM 18 UNTIL AND ONLY UNTIL THE CONTRARY IS PROVED BY THE GOVERNMENT
03:00PM 19 BEYOND A REASONABLE DOUBT.

03:00PM 20 DO YOU UNDERSTAND THAT? PROSPECTIVE JUROR: YES, I
03:00PM 21 UNDERSTAND THE CONCEPT.

03:00PM 22 THE COURT: RIGHT. SO IF I WERE MR. COOPERSMITH, I
03:00PM 23 WOULD BE CONCERNED BY YOUR PRIOR COMMENTS THAT, GEE, THIS JURY
03:01PM 24 MIGHT MAKE ME PROVE INNOCENCE WHEN I -- THAT'S NOT MY BURDEN.

03:01PM 25 DO YOU UNDERSTAND THAT?

03:01PM 1 PROSPECTIVE JUROR: I DON'T THINK I'M ASKING HIM TO
03:01PM 2 PROVE INNOCENCE. IT'S MORE IN MY VIEW THINKING THAT THERE IS
03:01PM 3 SOME TRUTH IN ALLEGATIONS AND INDICTMENTS.

03:01PM 4 THE COURT: OKAY. ALL RIGHT. FAIR ENOUGH.

03:01PM 5 BUT CAN YOU FOLLOW MY INSTRUCTION TO YOU THROUGHOUT THE
03:01PM 6 TRIAL TO PRESUME MR. BALWANI INNOCENT? CAN YOU DO THAT?

03:01PM 7 PROSPECTIVE JUROR: YES.

03:01PM 8 THE COURT: UNTIL, UNTIL YOU BELIEVE WITH YOUR
03:01PM 9 FELLOW JURORS THAT THE CONTRARY HAS BEEN PROVEN BEYOND A
03:01PM 10 REASONABLE DOUBT? CAN YOU DO THAT?

03:01PM 11 PROSPECTIVE JUROR: YES.

03:01PM 12 THE COURT: NOW, I UNDERSTAND THAT YOU HAVE PERSONAL
03:01PM 13 VIEWS ABOUT THAT, AND THIS GOES TO THE QUESTION THAT I CALL IT
03:01PM 14 THE CLOSET QUESTION.

03:01PM 15 CAN YOU PUT THOSE PERSONAL VIEWS ASIDE, LOCK THEM UP IN
03:02PM 16 THE CLOSET AND AS YOU SIT HERE IN THIS CASE AND LEAVE THE
03:02PM 17 GOVERNMENT TO THEIR BURDEN?

03:02PM 18 PROSPECTIVE JUROR: YES.

03:02PM 19 THE COURT: CAN YOU DO THAT? WOULD THAT BE
03:02PM 20 DIFFICULT?

03:02PM 21 PROSPECTIVE JUROR: I DON'T THINK SO.

03:02PM 22 THE COURT: OKAY. YOU'RE UP TO THAT CHALLENGE?

03:02PM 23 PROSPECTIVE JUROR: YES.

03:02PM 24 THE COURT: YOU CAN ASSURE ME, AND MR. COOPERSMITH,
03:02PM 25 MR. SCHENK THAT YOU WILL DO THAT?

03:02PM 1 PROSPECTIVE JUROR: YES.

03:02PM 2 THE COURT: THAT'S OKAY. YOU ARE NOT GOING TO GET

03:02PM 3 IN TROUBLE, LET ME SAY THAT?

03:02PM 4 PROSPECTIVE JUROR: YES.

03:02PM 5 THE COURT: OKAY. ANY TROUBLE DOING THAT, DO YOU

03:02PM 6 THINK? DO YOU HAVE ANY DIFFICULTY DOING THAT?

03:02PM 7 PROSPECTIVE JUROR: NO.

03:02PM 8 THE COURT: OKAY. MR. COOPERSMITH.

03:02PM 9 MR. COOPERSMITH: THANK YOU, YOUR HONOR.

03:02PM 10 ONE MORE FOLLOW-UP QUESTION, SIR. DO YOU UNDERSTAND THE

03:02PM 11 OTHER SIDE OF THE CASE FOR ME, THE PROSECUTION AND MR. SCHENK

03:02PM 12 AND HIS TEAM, THEY WORK FOR THE UNITED STATES GOVERNMENT?

03:02PM 13 DO YOU UNDERSTAND THAT?

03:02PM 14 PROSPECTIVE JUROR: YES.

03:02PM 15 MR. COOPERSMITH: AND THAT THEY'RE -- THE

03:02PM 16 PROSECUTORS HAVE THAT BURDEN OF PROOF THAT JUDGE DAVILA JUST

03:02PM 17 DESCRIBED TO YOU.

03:02PM 18 DO YOU UNDERSTAND THAT?

03:02PM 19 PROSPECTIVE JUROR: YES, SIR.

03:02PM 20 MR. COOPERSMITH: AND DO YOU BELIEVE THAT OUR

03:03PM 21 GOVERNMENT HERE IN THIS COUNTRY COULD EVER GET ANYTHING WRONG?

03:03PM 22 PROSPECTIVE JUROR: I'M SORRY.

03:03PM 23 MR. COOPERSMITH: DO YOU BELIEVE OUR GOVERNMENT

03:03PM 24 COULD EVER GET SOMETHING WRONG?

03:03PM 25 PROSPECTIVE JUROR: OF COURSE.

03:03PM 1 MR. COOPERSMITH: THANK YOU, SIR.

03:03PM 2 NEXT QUESTION I HAVE IS FOR JUROR 69. IF YOU COULD PASS
03:03PM 3 THE MIKE.

03:03PM 4 THANK YOU, SIR.

03:03PM 5 JUROR NUMBER 69, YOU WATCHED A PARTICULAR T.V. SHOW ABOUT
03:03PM 6 THERANOS.

03:03PM 7 DO YOU RECALL THAT?

03:03PM 8 PROSPECTIVE JUROR: IT WAS A DOCUMENTARY, "THE
03:03PM 9 INVENTOR: OUT FOR BLOOD."

03:03PM 10 MR. COOPERSMITH: WAS IT CALLED "OUT FOR BLOOD"?

03:03PM 11 PROSPECTIVE JUROR: YES.

03:03PM 12 MR. COOPERSMITH: AND SO HOW LONG AGO DID YOU WATCH
03:03PM 13 THAT?

03:03PM 14 PROSPECTIVE JUROR: SO I WATCHED IT THREE TIMES WITH
03:03PM 15 MY FAMILY ABOUT FIVE MONTHS AGO.

03:03PM 16 MR. COOPERSMITH: SO YOU WATCHED THE SAME SHOW
03:03PM 17 CALLED "OUT FOR BLOOD" THREE DIFFERENT TIMES?

03:04PM 18 PROSPECTIVE JUROR: YEAH. WE GOT VERY INTERESTED
03:04PM 19 WITH MY KIDS AND MY WIFE.

03:04PM 20 MR. COOPERSMITH: AND WAS THAT ABOUT FIVE MONTHS
03:04PM 21 AGO?

03:04PM 22 PROSPECTIVE JUROR: NO. WE JUST CONTINUED IT INTO
03:04PM 23 THE OTHER DEFENDANT'S TRIAL AS WELL. SO WE JUST GOT VERY
03:04PM 24 INTERESTED IN THE CASE AND THE COMPANY, YES.

03:04PM 25 MR. COOPERSMITH: I SEE. SO AFTER WATCHING THE T.V.

03:04PM 1 SHOW "OUT FOR BLOOD" OR THE DOCUMENTARY, YOU THEN CONTINUED TO
03:04PM 2 FOLLOW THE CASE AFTER THAT; IS THAT RIGHT?

03:04PM 3 PROSPECTIVE JUROR: CORRECT.

03:04PM 4 MR. COOPERSMITH: AND HOW MUCH DETAIL DID YOU
03:04PM 5 FOLLOW? ON A DAILY BASIS? A WEEKLY BASIS OR LESS?

03:04PM 6 PROSPECTIVE JUROR: PRETTY MUCH SOMETHING NEW.
03:04PM 7 EITHER MY KIDS PICK IT UP OR MY WIFE WILL TALK ABOUT IT.

03:04PM 8 MR. COOPERSMITH: AND WHAT WERE YOUR SOURCES OF
03:04PM 9 INFORMATION TO FOLLOW UP A CASE THAT WAY?

03:04PM 10 PROSPECTIVE JUROR: I THINK MY WIFE WATCHED "20/20."
03:04PM 11 MY KIDS WATCHED NEWS CLIPS, AND SO WE TALKED ABOUT IT QUITE A
03:05PM 12 BIT.

03:05PM 13 MR. COOPERSMITH: YOU HAD DISCUSSIONS BETWEEN YOU
03:05PM 14 AND YOUR FAMILY MEMBERS ABOUT THE CASE?

03:05PM 15 PROSPECTIVE JUROR: YES, CONTINUOUSLY.

03:05PM 16 MR. COOPERSMITH: AND DID YOU HAVE -- DON'T TELL ME
03:05PM 17 WHAT THEY ARE RIGHT NOW, BUT DID YOU FORM SOME OPINION ABOUT
03:05PM 18 WHAT HAPPENED IN THE CASE OR ABOUT THERANOS OR ABOUT MS. HOLMES
03:05PM 19 OR ABOUT MR. BALWANI OR ANYTHING LIKE THAT?

03:05PM 20 PROSPECTIVE JUROR: YEAH, WE DID FORM STRONG
03:05PM 21 OPINIONS.

03:05PM 22 MR. COOPERSMITH: DO YOU CONTINUE TO HOLD STRONG
03:05PM 23 OPINIONS?

03:05PM 24 PROSPECTIVE JUROR: I DO.

03:05PM 25 MR. COOPERSMITH: DO YOU THINK THAT IF EVEN THOUGH,

03:05PM 1 AS JUDGE DAVILA TOLD YOU AND ALL OF THE OTHER MEMBERS OF THE
03:05PM 2 PANEL HERE THAT YOU'RE SUPPOSED TO PUT ALL OF THAT OUT OF YOUR
03:05PM 3 MIND, AND IF YOU'RE A JUROR IN THIS CASE YOU'RE SUPPOSED TO
03:05PM 4 LISTEN ONLY TO THE EVIDENCE, DO YOU THINK THAT GIVEN THE
03:05PM 5 EXPOSURE YOU HAVE AND HOW MUCH YOU FOLLOW THE CASE, THAT WOULD
03:05PM 6 BE DIFFICULT FOR YOU?

03:05PM 7 PROSPECTIVE JUROR: AS I SAID EARLIER, I'M GOING TO
03:05PM 8 DO, YOU KNOW, TO DO THAT, BUT I DON'T KNOW HOW MUCH THAT IS
03:05PM 9 GOING TO AFFECT ME, YOU KNOW, ALTER MY OPINION.

03:05PM 10 MR. COOPERSMITH: OKAY. SO CAN YOU BE SURE ONE WAY
03:06PM 11 OR THE OTHER WHETHER YOU WOULD BE ABLE TO FOLLOW THE COURT'S
03:06PM 12 INSTRUCTIONS TO IGNORE EVERYTHING ELSE OTHER THAN WHAT EVIDENCE
03:06PM 13 IS PRESENTED IN THIS TRIAL?

03:06PM 14 PROSPECTIVE JUROR: YES, I COULD FOLLOW
03:06PM 15 INSTRUCTIONS, YES.

03:06PM 16 MR. COOPERSMITH: OKAY.

03:06PM 17 DO YOU HAVE ANY DOUBT ABOUT THAT?

03:06PM 18 PROSPECTIVE JUROR: NO. I CAN FOLLOW INSTRUCTIONS.
03:06PM 19 I DON'T HAVE A DOUBT.

03:06PM 20 MR. COOPERSMITH: AND HOW WOULD YOU GO ABOUT THAT
03:06PM 21 EXACTLY? HOW WOULD YOU GO ABOUT PUTTING EVERYTHING YOU KNOW
03:06PM 22 ABOUT THIS CASE ALREADY FROM THE T.V. SHOWS AND OTHER MEDIA
03:06PM 23 YOU'VE WATCHED, HOW WOULD YOU GO ABOUT PUTTING THAT OUT OF YOUR
03:06PM 24 MIND? HOW DO YOU ACTUALLY ACCOMPLISH THAT?

03:06PM 25 PROSPECTIVE JUROR: I DON'T KNOW. LIKE I SAID, THIS

03:06PM 1 IS MY FIRST TIME BEING IN THIS, YOU KNOW, SITUATION, BUT I'M
03:06PM 2 GOING TO FOLLOW THE INSTRUCTION TO PUT IT ASIDE.

03:06PM 3 MR. COOPERSMITH: HAVE YOU EVER HAD ANY EXPERIENCE,
03:06PM 4 APART FROM JURY SERVICE, IN YOUR LIFE WHERE YOU HAD TO IGNORE
03:06PM 5 SOME BODY OF KNOWLEDGE THAT YOU HAD IN ORDER TO ACCOMPLISH SOME
03:06PM 6 TASK THAT YOU HAD?

03:06PM 7 PROSPECTIVE JUROR: NOT IN THIS SIMILAR WAY, NO.

03:07PM 8 THE COURT: MAY I, MR. COOPERSMITH?

03:07PM 9 MR. COOPERSMITH: OF COURSE, YOUR HONOR.

03:07PM 10 THE COURT: SIR, I REALIZE YOU HAVE CHILDREN AT HOME
03:07PM 11 AND THEY ARE AT, HOW SHALL I SAY, AGES THAT WE KNOW THEY'RE
03:07PM 12 VERY CURIOUS. THAT'S AN AGE WHERE PEOPLE ARE CURIOUS, YOUNG
03:07PM 13 PEOPLE ARE CURIOUS. THEY ASK LOT OF QUESTIONS.

03:07PM 14 IF YOU'RE SEATED AS A JUROR IN THIS CASE, BASED ON YOUR
03:07PM 15 HISTORY, YOUR FAMILY HISTORY, THEIR INTEREST IN THE CASE AND
03:07PM 16 PRIOR DISCUSSIONS, IT MAY BE THAT YOUR WONDERFUL CHILDREN ARE
03:07PM 17 GOING TO COME UP TO YOU AND SAY, DADDY, WHAT HAPPENED TODAY?
03:07PM 18 WHAT IS GOING ON? WHAT DO YOU THINK? REMEMBER WE TALKED ABOUT
03:07PM 19 THIS TWO WEEKS AGO? DID THEY SAY THIS? DID THEY SAY THAT? WE
03:07PM 20 SAW IT ON T.V. AND THIS AND THAT.

03:07PM 21 HOW ARE YOU GOING TO HANDLE THOSE SITUATIONS, SIR?

03:07PM 22 PROSPECTIVE JUROR: WELL, I MEAN, THEY HAVE NO IDEA
03:07PM 23 WHAT CASE I'M LOOKING AT SO THEY'RE NOT GOING TO -- YOU KNOW,
03:07PM 24 IF THEY ASK ME A QUESTION, IT'S JUST IN THE PRIOR CAUTION
03:08PM 25 NOTHING TO DO WITH THE TRIAL GOING ON.

03:08PM 1 THE COURT: RIGHT. AND I SHOULD HAVE TOLD YOU THAT
03:08PM 2 I WILL INSTRUCT YOU AS A JUROR IN THE CASE AND WHEN YOU LEAVE
03:08PM 3 TODAY, ALL OF YOU, I'M GOING TO ADMONISH YOU ALSO NOT TO DO ANY
03:08PM 4 RESEARCH, NOT TO TALK TO ANYONE ABOUT ANYTHING ABOUT THIS CASE
03:08PM 5 OR ANYTHING TO DO WITH IT, NOT TO READ AND LISTEN TO OR TRY TO
03:08PM 6 GAIN ADDITIONAL KNOWLEDGE ABOUT THIS CASE.

03:08PM 7 YOU MAY NOT DO THAT UNTIL YOU'RE RELEASED FROM THE COURT.

03:08PM 8 SO IF YOU ARE SEATED AS A JUROR, YOU WILL HAVE THAT
03:08PM 9 INSTRUCTION, THAT ADMONITION, AND IT WOULD CAUSE YOU, SIR, TO
03:08PM 10 HAVE TO TELL YOUR CHILDREN, I CAN'T TALK TO YOU ABOUT THAT, THE
03:08PM 11 JUDGE TOLD ME NO AND I'M NOT GOING TO TALK TO YOU ABOUT IT.

03:08PM 12 AND YOUR CHILDREN MAY SAY LET US TALK TO YOU ABOUT IT, LET
03:08PM 13 US TELL YOU OUR OPINIONS.

03:08PM 14 WHAT ARE YOU GOING TO DO IN THAT SITUATION, SIR? I'M
03:08PM 15 SORRY TO PUT YOU IN THE HYPOTHETICAL, SIR.

03:08PM 16 PROSPECTIVE JUROR: THAT'S OKAY.

03:08PM 17 I'M NOT GOING TO TELL THEM THAT I'M GOING TO TRIAL FOR
03:09PM 18 THIS CASE. THEY'RE GOING TO CONTINUE TO TALK TO ME ABOUT THE
03:09PM 19 CASES AS BEFORE AND IF THEY HEAR INFORMATION THEY MAY SAY DID
03:09PM 20 YOU HEAR SOMETHING AND THAT I MAY NOT HAVE CONTROL OVER, BUT
03:09PM 21 I'M GOING TO CONTROL WHAT I TELL THEM.

03:09PM 22 THE COURT: SO WHAT I'M SUGGESTING, I DON'T KNOW IF
03:09PM 23 YOU'LL BE A JUROR IN THIS CASE OR NOT, BUT WHAT JURORS
03:09PM 24 SOMETIMES DO IF THEY'RE SELECTED AND THEY TELL ME I'M GOING TO
03:09PM 25 FOLLOW THE LAW AS YOU TELL ME, AND ONE OF THE INSTRUCTIONS IS

03:09PM 1 YOU MAY NOT READ, LISTEN, TO OR DISCUSS, AND MANY JURORS TELL
03:09PM 2 ME AFTERWARDS THEY GO HOME AND TELL THEIR FAMILY, I'M ON THIS
03:09PM 3 JURY AND I CANNOT DISCUSS THE CASE. YOU MAY NOT TALK TO ME
03:09PM 4 ABOUT THE CASE. DON'T PUT THE NEWS ON.

03:09PM 5 IF IT COMES ON, I'M GOING TO LEAVE THE ROOM AND PUSH THE
03:09PM 6 SILENT BUTTON UNTIL I LEAVE AND THEN COME BACK ON THE
03:09PM 7 TELEVISION. THEY DO WHATEVER THEY NEED TO DO TO FOLLOW THE
03:09PM 8 INSTRUCTION.

03:09PM 9 IS THAT SOMETHING THAT YOU COULD DO WITH YOUR FAMILY, SIR?

03:09PM 10 PROSPECTIVE JUROR: I CAN DO THAT, BUT THE QUESTION
03:10PM 11 IS CAN I TELL THEM THAT I'M A JUROR IN THIS CASE, AND THAT'S
03:10PM 12 WHAT IT MEANS.

03:10PM 13 THE COURT: YES. THERE'S A SPECIAL INSTRUCTION THAT
03:10PM 14 I WILL GIVE YOU THAT SAYS THAT YOU MAY INFORM YOUR FAMILY AND
03:10PM 15 OTHERS AND YOUR WORKPLACE THAT YOU ARE A JUROR IN THIS CASE,
03:10PM 16 BUT YOU MAY NOT DISCUSS ANYTHING ABOUT THIS CASE.

03:10PM 17 YOU'RE NOT PERMITTED TO DO THAT.

03:10PM 18 IS THAT HELPFUL?

03:10PM 19 PROSPECTIVE JUROR: YES, ABSOLUTELY.

03:10PM 20 THE COURT: I'M SORRY, MR. COOPERSMITH.

03:10PM 21 MR. COOPERSMITH: NO, NO.

03:10PM 22 AND, JUROR NUMBER 69, I JUST WANT TO MAKE SURE, FOLLOWING
03:10PM 23 UP ON JUDGE DAVILA'S QUESTIONS, HOW REALISTIC THAT IS? SO IF
03:10PM 24 YOU SERVE AS A JUROR AND YOU SPEND PART OF THE DAY LISTENING TO
03:10PM 25 THE TRIAL AND LISTENING TO EVIDENCE, AND YOU GO HOME AND ONE OF

03:10PM 1 YOUR CHILDREN OR SPOUSE ASKS YOU A QUESTION ABOUT THE CASE OR
03:10PM 2 TELLS YOU SOMETHING THAT THEY HEARD ON THE NEWS MEDIA, HOW
03:10PM 3 REALISTIC IS IT, AS WELL INTENTIONED AS YOU MIGHT BE, THAT YOU
03:10PM 4 COULD AVOID DISCUSSING THESE THINGS WITH YOUR OWN FAMILY?

03:11PM 5 PROSPECTIVE JUROR: WELL, I THINK I CAN TELL THEM I
03:11PM 6 CANNOT DISCUSS.

03:11PM 7 MR. COOPERSMITH: THANK YOU.

03:11PM 8 I HAVE QUESTIONS FOR JUROR NUMBER 67. THANK YOU. IF YOU
03:11PM 9 COULD PASS IT BACK.

03:11PM 10 SO I THINK YOU MADE SOME COMMENTS ABOUT THIS BEFORE, AND
03:11PM 11 IT WAS ABOUT SOME KNOWLEDGE THAT YOU GAINED FROM THIS CASE
03:11PM 12 ABOUT READING THE MEDIA; IS THAT RIGHT?

03:11PM 13 PROSPECTIVE JUROR: UH-HUH, YES.

03:11PM 14 MR. COOPERSMITH: AND I THINK IN YOUR QUESTIONNAIRE
03:11PM 15 YOU WROTE THAT YOU LIEN TOWARDS GUILTY. IS THAT -- DO YOU
03:11PM 16 REMEMBER THAT?

03:11PM 17 PROSPECTIVE JUROR: I DO.

03:11PM 18 MR. COOPERSMITH: AND IS THAT THE CASE AS YOU SIT
03:11PM 19 HERE TODAY?

03:11PM 20 PROSPECTIVE JUROR: NOT NECESSARILY. I MEAN, I
03:11PM 21 UNDERSTAND THE LOGICAL PROCESS OF THE INSTRUCTIONS THAT WE HAVE
03:11PM 22 TO FOLLOW.

03:11PM 23 I WOULD SAY THAT THAT ANSWER CAME FROM MORE OF A MORAL AND
03:11PM 24 ETHICAL OBLIGATION THAT PEOPLE HOLD AND PERHAPS MY MORALS AND
03:12PM 25 ETHICS IN BUSINESS ARE DIFFERENT, SO I WOULD SAY THAT GIVEN

03:12PM 1 WHAT HE'S CHARGED WITH, I HAVE NOT HEARD THE EVIDENCE
03:12PM 2 PRESENTED, BUT I CAN FOLLOW THE INSTRUCTIONS AND THE LOGIC THAT
03:12PM 3 HE'S CHARGED WITH. PERHAPS I DIDN'T FEEL THAT HE ACTED MORALLY
03:12PM 4 AND ETHICAL IN OTHER AREAS, BUT THAT'S NOT WHAT HE'S BEING
03:12PM 5 CHARGED WITH.

03:12PM 6 MR. COOPERSMITH: SO DO YOU FEEL LIKE WE WOULD HAVE
03:12PM 7 TO COME FORWARD WITH EVIDENCE TO PROVE TO YOUR SATISFACTION
03:12PM 8 THAT MR. BALWANI NOT ONLY DIDN'T COMMIT A CRIME, BUT HE ALSO
03:12PM 9 DIDN'T ACT IMMORALLY AND UNETHICALLY, WOULD WE HAVE TO PROVE
03:12PM 10 THAT TO YOU?

03:12PM 11 PROSPECTIVE JUROR: WITH -- NO, I JUST NEED THE
03:12PM 12 FACTS OF WHAT HE'S CHARGED WITH OR THE EVIDENCE OF WHAT HE'S
03:13PM 13 CHARGED WITH. THAT OPINION COULD BE HELD, LIKE, ALL RIGHT,
03:13PM 14 WELL, THIS IS THE EVIDENCE PRESENTED, AND THESE ARE THE FACTS
03:13PM 15 IN THE CASE.

03:13PM 16 I CAN FOLLOW THE LOGIC OF THE LAW TO SAY, OKAY, HE'S
03:13PM 17 GUILTY OR NOT GUILTY, BUT I MAY ON THE SIDE SAY, WELL, I DON'T
03:13PM 18 THINK HE WAS ALL THAT ETHICAL OR ACTED MORALLY, AND IT DOESN'T
03:13PM 19 NECESSARILY MEAN THAT HE'S GUILTY.

03:13PM 20 MR. COOPERSMITH: THANK YOU.

03:13PM 21 LET ME ASK YOU THIS QUESTION, IF YOU HAD A CLOSE FAMILY
03:13PM 22 MEMBER OR FRIEND WHO WAS IN MR. BALWANI'S SEAT FACING A
03:13PM 23 CRIMINAL TRIAL, WOULD YOU WANT A JUROR WITH YOUR PARTICULAR
03:13PM 24 VIEWS SITTING AS A JUROR IN THAT CASE?

03:13PM 25 PROSPECTIVE JUROR: PROBABLY NOT.

03:13PM 1 MR. COOPERSMITH: PROBABLY NOT?

03:13PM 2 PROSPECTIVE JUROR: NO.

03:13PM 3 MR. COOPERSMITH: AND WHY IS THAT?

03:13PM 4 PROSPECTIVE JUROR: BECAUSE IT'S NOT NECESSARILY

03:13PM 5 FAIR.

03:13PM 6 MR. COOPERSMITH: AND THAT'S BECAUSE WHY, WHY ISN'T

03:13PM 7 IT FAIR?

03:13PM 8 PROSPECTIVE JUROR: BECAUSE IT'S NOT BEING FAIR AND

03:13PM 9 IMPARTIAL. IT'S NOT HAVING AN OPEN MIND. IT'S HAVING A

03:13PM 10 PRE-SET JUDGMENT.

03:14PM 11 MR. COOPERSMITH: AND YOU THINK YOU HAVE THAT?

03:14PM 12 PROSPECTIVE JUROR: A LITTLE BIT, YES.

03:14PM 13 MR. COOPERSMITH: OKAY. THANK YOU.

03:14PM 14 THE COURT: JUROR 77, I HOPE YOU'LL FORGIVE ME, BUT

03:14PM 15 THERE'S SOME INCONSISTENCY IN THOSE ANSWERS AS I'VE HEARD THEM.

03:14PM 16 DID YOU SAY THAT -- FIRST OF ALL, YOU TOLD MR. COOPERSMITH

03:14PM 17 THAT HE DOES NOT HAVE TO PROVE MORALITY TO YOU OR MORALITY OR

03:14PM 18 ETHICS TO YOU.

03:14PM 19 I THINK YOU SAID THAT YOU WOULD LISTEN TO THE FACTS AND

03:14PM 20 YOU WOULD MAKE YOUR DECISION BASED JUST ON THE FACTS.

03:14PM 21 YOU SAID YOU DO -- YOU CAN SEPARATE AND PARSE OUT YOUR

03:14PM 22 FEELINGS ABOUT ETHICS AND MORALITY, AND BECAUSE EVEN IF YOU

03:14PM 23 BELIEVE THEY FALL IN A NEGATIVE COLUMN, THAT DOES NOT MEAN THAT

03:14PM 24 MR. BALWANI IS GUILTY.

03:14PM 25 I THINK I HEARD YOU SAY THAT?

03:14PM 1 PROSPECTIVE JUROR: YEAH.

03:14PM 2 THE COURT: AND THEN YOU SAID YOU COULD FOLLOW THE
03:14PM 3 LOGIC AND THE INSTRUCTIONS OF THE COURT.

03:15PM 4 AND THEN MR. COOPERSMITH ASKED YOU THIS HYPOTHETICAL ABOUT
03:15PM 5 WHETHER OR NOT YOU HAD A FAMILY MEMBER AND WHETHER OR NOT YOU'D
03:15PM 6 BE COMFORTABLE AS A JUROR FOR A FAMILY MEMBER. AND I PRESUME
03:15PM 7 THAT HYPOTHETICAL MEANT FOR THE SAME CHARGES AND IN THE SAME
03:15PM 8 CIRCUMSTANCES.

03:15PM 9 IS THAT HOW YOU UNDERSTOOD HIS HYPOTHETICAL?

03:15PM 10 PROSPECTIVE JUROR: YES.

03:15PM 11 THE COURT: OKAY. AND YOU SAID NO BECAUSE YOU HAD
03:15PM 12 COULD NOT BE FAIR?

03:15PM 13 PROSPECTIVE JUROR: I SAID IT WOULDN'T BE FAIR.

03:15PM 14 THE COURT: OH, WOULDN'T BE FAIR BECAUSE WHY?

03:15PM 15 PROSPECTIVE JUROR: BECAUSE THEN IT WOULD BE THAT I
03:15PM 16 HAD A SOMEWHAT PREDETERMINED IDEA OF GUILT.

03:15PM 17 THE COURT: AND THAT'S BECAUSE IT'S A FAMILY MEMBER?

03:15PM 18 PROSPECTIVE JUROR: YES.

03:15PM 19 THE COURT: RIGHT. YOU'D HAVE SOME BIAS BECAUSE
03:15PM 20 IT'S A FAMILY MEMBER THAT YOU'RE JUDGING AS OPPOSED TO SOMEONE
03:15PM 21 YOU DON'T KNOW?

03:15PM 22 IS THAT WHAT YOU WERE TRYING TO CONVEY?

03:15PM 23 PROSPECTIVE JUROR: YEAH, I GUESS SO, YES.

03:15PM 24 THE COURT: I SEE. BECAUSE IT'S A FAMILY MEMBER,
03:15PM 25 YOU MIGHT SAY, WELL, THIS FAMILY -- I HAVE AN INTEREST IN THIS

03:16PM 1 BECAUSE IT'S MY COUSIN, MY AUNT, MY RELATIVE OR SOMETHING, AND
03:16PM 2 IT WOULDN'T BE FAIR FOR YOU TO JUDGE YOUR COUSIN, AUNT, OR
03:16PM 3 UNCLES.

03:16PM 4 IS THAT WHAT YOU MEANT OR NOT? I'M JUST TRYING TO
03:16PM 5 UNDERSTAND WHAT YOU SAID.

03:16PM 6 PROSPECTIVE JUROR: I GUESS BECAUSE I WOULD KNOW
03:16PM 7 MORE ABOUT THEM, THEIR CHARACTER, PER SE KNOWING PERHAPS HOW
03:16PM 8 THEY BEHAVED OR SORT OF WHAT THEIR BELIEFS ARE, I WOULD HAVE
03:16PM 9 MORE OF A BACKGROUND AS TO HOW MORAL OR ETHIC OR WHAT THEIR
03:16PM 10 BELIEFS ARE.

03:16PM 11 THE COURT: THE FAMILY MEMBER?

03:16PM 12 PROSPECTIVE JUROR: YES.

03:16PM 13 THE COURT: AS OPPOSED TO A STRANGER, SOMEONE YOU
03:16PM 14 DID NOT KNOW?

03:16PM 15 PROSPECTIVE JUROR: CORRECT.

03:16PM 16 THE COURT: SO IS IT FAIR TO SAY THAT YOU COULD BE
03:16PM 17 FAIR IN JUDGING SOMEONE YOU DON'T KNOW, A STRANGER? COULD YOU
03:16PM 18 DO THAT? COULD YOU SIT AS A FAIR JUROR FOR A STRANGER OTHER
03:16PM 19 THAN A FAMILY MEMBER?

03:17PM 20 PROSPECTIVE JUROR: I'M SORRY, COULD YOU REPEAT
03:17PM 21 THAT?

03:17PM 22 THE COURT: SURE. WHAT I HEARD YOU SAY IS THAT YOU
03:17PM 23 WOULD HAVE SOME DIFFICULTY BEING FAIR TO A FAMILY MEMBER WHO
03:17PM 24 WAS, IF YOU WERE SITTING IN JUDGMENT, BUT I'M TRYING TO DISCERN
03:17PM 25 IF IT IS NOT A FAMILY MEMBER, IF IT'S SOMEONE YOU DON'T KNOW,

03:17PM 1 CAN YOU BE FAIR AND IMPARTIAL TO THAT PERSON?

03:17PM 2 PROSPECTIVE JUROR: I BELIEVE I CAN WITH THE

03:17PM 3 INSTRUCTIONS THAT YOU GIVE AND JUST BASED ON WHAT HE'S BEING

03:17PM 4 CHARGED WITH.

03:17PM 5 THE COURT: OKAY. CAN YOU BE FAIR TO MR. BALWANI DO

03:17PM 6 YOU THINK?

03:17PM 7 PROSPECTIVE JUROR: I BELIEVE I CAN.

03:17PM 8 THE COURT: OKAY. DO YOU HAVE A DOUBT ABOUT THAT?

03:17PM 9 PROSPECTIVE JUROR: DO I HAVE DOUBT?

03:17PM 10 THE COURT: YES.

03:17PM 11 PROSPECTIVE JUROR: NO.

03:17PM 12 THE COURT: CAN YOU PRESUME HIM TO BE INNOCENT AS HE

03:17PM 13 SITS HERE TODAY?

03:17PM 14 PROSPECTIVE JUROR: I CAN DO THAT.

03:17PM 15 THE COURT: OKAY. AND CAN YOU SEPARATE YOUR

03:17PM 16 PERSONAL BELIEFS ABOUT MORALITY AND ETHICS AS HE'S NOT CHARGED

03:17PM 17 IN THE INDICTMENT THAT I'VE READ TO YOU, THOSE ARE NOT PART OF

03:18PM 18 THE CHARGES, THE GOVERNMENT IS NOT GOING TO PROVE ANYTHING

03:18PM 19 ABOUT THAT.

03:18PM 20 DO YOU UNDERSTAND THAT?

03:18PM 21 PROSPECTIVE JUROR: YES.

03:18PM 22 THE COURT: CAN YOU STILL BE A FAIR AND IMPARTIAL

03:18PM 23 JUROR?

03:18PM 24 PROSPECTIVE JUROR: I BELIEVE SO.

03:18PM 25 THE COURT: OKAY. THANK YOU. THANK YOU FOR THE

03:18PM 1 CLARIFICATION.

03:18PM 2 MR. COOPERSMITH, YOU CAN FOLLOW UP IF YOU WOULD LIKE.

03:18PM 3 MR. COOPERSMITH: THANK YOU, YOUR HONOR.

03:18PM 4 YES, I WANT TO MAKE SURE I TOTALLY UNDERSTAND BECAUSE IT'S
03:18PM 5 AN INTERESTING SUBJECT.

03:18PM 6 JUST TO MAKE SURE I GET WHAT I THOUGHT YOU SAID AND MAYBE
03:18PM 7 NOW YOU CAN CLARIFY.

03:18PM 8 SO IF YOU KNEW THE THINGS THAT YOU KNOW ABOUT THIS CASE,
03:18PM 9 MR. BALWANI, AND THERANOS, AND MS. HOLMES, BUT IT WAS SOMEONE
03:18PM 10 CLOSE TO YOU WHO WAS IN MR. BALWANI'S SHOES, IN OTHER WORDS,
03:18PM 11 SOMEONE YOU KNEW, WOULD YOU THINK OF YOURSELF AS A FAIR JUROR
03:18PM 12 IN THAT CASE NOT BECAUSE YOU KNEW THE PERSON BUT JUST BECAUSE
03:18PM 13 OF THE THINGS THAT YOU LEARNED FROM THE MEDIA, IN OTHER WORDS,
03:18PM 14 WITH THE KNOWLEDGE THAT YOU HAVE NOW?

03:18PM 15 AND MAYBE AN EASIER WAY TO ASK THAT, TO MAKE IT AS SIMPLE
03:19PM 16 AS POSSIBLE, GIVEN ALL OF THE KNOWLEDGE THAT YOU HAVE NOW, DO
03:19PM 17 YOU THINK YOU BRING TO THIS CASE LIKE CERTAIN PRECONCEIVED
03:19PM 18 NOTIONS OF MR. BALWANI AND THERANOS THAT WOULD BE DIFFICULT TO
03:19PM 19 PUT OUT OF YOUR MIND SUCH THAT YOU WOULD HAVE SOME DOUBT ABOUT
03:19PM 20 WHETHER YOU COULD BE A FAIR JUROR IN THIS CASE?

03:19PM 21 PROSPECTIVE JUROR: I THINK I COULD BE A FAIR JUROR.

03:19PM 22 I'M NOT GOING TO SAY THAT I DON'T HAVE AN OPINION ABOUT
03:19PM 23 WHAT I'VE HEARD AND WHAT I'VE READ, ET CETERA.

03:19PM 24 BUT I THINK THAT I COULD BE A FAIR JUROR.

03:19PM 25 MR. COOPERSMITH: AND WHAT DO YOU THINK IT WOULD

03:19PM 1 TAKE TO OVERCOME THAT OPINION?

03:19PM 2 PROSPECTIVE JUROR: LISTENING TO BOTH SIDES OF THE
03:19PM 3 CASE.

03:19PM 4 MR. COOPERSMITH: SO YOU WOULD HAVE TO LISTEN TO
03:19PM 5 WHAT THE DEFENSE HAD TO SAY AS WELL; RIGHT?

03:19PM 6 PROSPECTIVE JUROR: YES.

03:19PM 7 MR. COOPERSMITH: AND WHAT IF THE DEFENSE HAD
03:19PM 8 NOTHING TO SAY?

03:19PM 9 PROSPECTIVE JUROR: THEN I WOULD HAVE TO BASE MY
03:19PM 10 JUDGMENT ON WHAT THE PROSECUTION HAD TO SAY.

03:19PM 11 MR. COOPERSMITH: OKAY. AND WOULD THAT CAUSE YOU TO
03:19PM 12 AND MORE LIKELY REACH A GUILTY VERDICT ON THE FACT THAT THE
03:19PM 13 DEFENSE DIDN'T PRESENT EVIDENCE?

03:19PM 14 PROSPECTIVE JUROR: NO.

03:19PM 15 MR. COOPERSMITH: OKAY. THANK YOU.

03:20PM 16 THANK YOU. JUST A QUESTION FOR THE WHOLE PANEL. JUST BY
03:20PM 17 A SHOW OF HANDS, HOW MANY PEOPLE ARE AWARE OF WHETHER OR NOT
03:20PM 18 MR. BALWANI AND MS. HOLMES HAD A RELATIONSHIP OF SOME SORT.

03:20PM 19 AND IF YOU COULD CALL OUT YOUR NUMBERS STARTING FROM
03:20PM 20 NUMBER 34 IS IT?

03:20PM 21 PROSPECTIVE JUROR: YOU'RE ASKING ME IF WE HAVE THIS
03:20PM 22 AWARENESS OF THE POTENTIAL RELATIONSHIP?

03:20PM 23 MR. COOPERSMITH: YES.

03:20PM 24 PROSPECTIVE JUROR: 34, 10, 1, 48, 63, 80, 82, 77.

03:20PM 25 MR. COOPERSMITH: DID WE GET EVERYBODY? ANYONE

03:20PM 1 ELSE?

03:20PM 2 PROSPECTIVE JUROR: 69.

03:20PM 3 MR. COOPERSMITH: 69. THANK YOU, SIR.

03:20PM 4 OKAY. ANOTHER QUESTION FOR THE PANEL. IF YOU HAVE

03:21PM 5 KNOWLEDGE OR ANY AWARENESS OF THE PRIOR OUTCOME OF THE PRIOR

03:21PM 6 CASE INVOLVING MS. HOLMES?

03:21PM 7 JUROR NUMBER 1.

03:21PM 8 PROSPECTIVE JUROR: 72.

03:21PM 9 PROSPECTIVE JUROR: 69.

03:21PM 10 MR. COOPERSMITH: 69.

03:21PM 11 ANYONE ELSE?

03:21PM 12 PROSPECTIVE JUROR: 77.

03:21PM 13 MR. COOPERSMITH: 77. OKAY. THANK YOU.

03:21PM 14 JUST A FEW QUESTIONS FOR JUROR NUMBER 80. IF YOU COULD

03:21PM 15 HAND THE MICROPHONE OVER, THAT WOULD BE GREAT. THANK YOU.

03:21PM 16 I THINK YOU MENTIONED BEFORE, SIR, THAT YOU HAVE TWO

03:21PM 17 BROTHERS WHO ARE LAW ENFORCEMENT AGENTS; IS THAT RIGHT?

03:21PM 18 PROSPECTIVE JUROR: YES.

03:21PM 19 MR. COOPERSMITH: AND I THINK YOU SAID ONE WAS WITH

03:21PM 20 THE FBI AND ONE WAS WITH CUSTOMS BORDER PROTECTION SERVICE.

03:21PM 21 PROSPECTIVE JUROR: YES, HOMELAND SECURITY.

03:21PM 22 MR. COOPERSMITH: AND HAVE YOU EVER WORKED FOR A

03:21PM 23 FEDERAL AGENCY YOURSELF?

03:21PM 24 PROSPECTIVE JUROR: NO.

03:22PM 25 MR. COOPERSMITH: OKAY. HAVE YOU EVER TALKED TO

03:22PM 1 YOUR BROTHERS ABOUT THIS CASE?

03:22PM 2 PROSPECTIVE JUROR: NO.

03:22PM 3 MR. COOPERSMITH: IT LOOKS LIKE AM I RIGHT THAT
03:22PM 4 YOU'VE WATCHED SOME MEDIA REPORTS ABOUT THE CASE?

03:22PM 5 PROSPECTIVE JUROR: YEAH, ABC, CBS,
03:22PM 6 "WALL STREET JOURNAL."

03:22PM 7 MR. COOPERSMITH: AND I THINK YOU WROTE THAT YOU
03:22PM 8 DON'T KNOW IF THAT WILL AFFECT YOUR ABILITY TO BE FAIR; IS THAT
03:22PM 9 RIGHT?

03:22PM 10 PROSPECTIVE JUROR: RIGHT.

03:22PM 11 MR. COOPERSMITH: AND WHAT DID YOU MEAN BY THAT?

03:22PM 12 PROSPECTIVE JUROR: BECAUSE I NEED TO SEE THE
03:22PM 13 EVIDENCE, I NEED TO SEE BOTH SIDES, I NEED TO KNOW THE LAW. SO
03:22PM 14 IT DEPENDS ON THE EVIDENCE AND THE LAW. I CANNOT DO IT FROM
03:22PM 15 THE MEDIA.

03:22PM 16 MR. COOPERSMITH: WOULD YOU SAY THAT THE MEDIA
03:22PM 17 REPORTS THAT YOU WATCHED WERE POSITIVE TOWARDS THERANOS OR
03:22PM 18 NEGATIVE TOWARDS THERANOS OR NEUTRAL?

03:22PM 19 PROSPECTIVE JUROR: NEGATIVE.

03:22PM 20 MR. COOPERSMITH: NEGATIVE. OKAY. THANK YOU.

03:23PM 21 YOUR HONOR, MAY I HAVE A MOMENT TO CONFER WITH MY TEAM?

03:23PM 22 THE COURT: YES. IF YOU WANT TO TAKE A STANDING
03:23PM 23 BREAK, GO RIGHT AHEAD.

03:23PM 24 WHY DON'T WE TAKE A BREAK, A TEN MINUTE BREAK.

03:23PM 25 MR. COOPERSMITH: THAT WOULD BE GREAT.

03:23PM 1 THE COURT: LET'S TAKE A TEN MINUTE BREAK, LADIES
03:23PM 2 AND GENTLEMEN. WHEN YOU RETURN, PLEASE SIT IN YOUR SAME SEATS,
03:25PM 3 PLEASE. THANK YOU.

03:25PM 4 (RECESS FROM 3:25 P.M. UNTIL 3:38 P.M.)

03:38PM 5 (PROSPECTIVE JURY PANEL OUT AT 3:38 P.M.)

03:38PM 6 THE COURT: LET'S GO ON THE RECORD. WE'RE OUTSIDE
03:38PM 7 OF THE PRESENCE OF THE JURY.

03:38PM 8 ALL COUNSEL ARE PRESENT, AND MR. BALWANI IS PRESENT.

03:38PM 9 I JUST WANT TO GET YOUR IDEAS AND THOUGHTS ABOUT TIMING.

03:38PM 10 I'M SORRY, MR. LEACH IS -- LET ME SAY I'VE IDENTIFIED FOUR
03:38PM 11 PEOPLE THAT MIGHT -- THESE ARE THE FOUR JURORS WHO ARE AWARE OF
03:38PM 12 THE OUTCOME OF THE OTHER TRIAL, AND IT SEEMS TO ME -- DO YOU
03:39PM 13 WANT TO HAVE PRIVATE CONVERSATIONS WITH THOSE FOLKS?

03:39PM 14 MR. COOPERSMITH: YES, YOUR HONOR. WERE THOSE THE
03:39PM 15 SHOW OF HANDS THAT WE JUST HAD WITH THE QUESTIONS?

03:39PM 16 THE COURT: YES.

03:39PM 17 MR. COOPERSMITH: WE AGREE WITH THAT. THERE WERE A
03:39PM 18 SHOW OF HANDS. I THINK THERE WERE MORE PEOPLE WHO WERE AWARE
03:39PM 19 OF THE RELATIONSHIP, AND MY CONCERN WAS THAT I WANTED TO PROBE
03:39PM 20 WHAT THEY KNEW ABOUT THAT, BUT I DIDN'T THINK I COULD DO THAT
03:39PM 21 BEYOND WHAT I DID IN A PUBLIC SESSION.

03:39PM 22 THE COURT: AND THEY EXPRESSED THAT IN THEIR
03:39PM 23 QUESTIONNAIRE. THAT'S NOT SUFFICIENT FOR YOU, YOU NEED MORE?

03:39PM 24 MR. COOPERSMITH: WELL, FAIR POINT, YOUR HONOR.

03:39PM 25 THERE ARE TIMES WHEN THEY SAID THEY WERE AWARE OF

03:39PM 1 ALLEGATIONS OF ABUSE IN THE QUESTIONNAIRE.

03:39PM 2 THERE ARE OTHER TIMES WHEN THEY JUST SAY I'M AWARE OF
03:39PM 3 INFLUENCE OR PRESSURE OR SOMETHING LIKE THAT.

03:39PM 4 THE COURT: I THINK THERE'S ONE THAT THEY USE THE
03:39PM 5 WORD ABUSE, MAYBE TWO, BUT NOT ALL OF THEM.

03:39PM 6 MR. COOPERSMITH: RIGHT. IT DEPENDS.

03:39PM 7 AND THEN THERE'S THE OTHER QUESTION OF EVEN IF THEY'RE
03:39PM 8 AWARE OF ALLEGATIONS, HOW SURE ARE WE THAT THEY JUST KNOW IT'S
03:39PM 9 ALLEGATIONS AND ALLEGATIONS MAY BE TRUE OR NOT TRUE VERSUS LIKE
03:40PM 10 THEY FORM AN OPINION ABOUT THAT PARTICULAR SUBJECT? THAT WOULD
03:40PM 11 BE THE --

03:40PM 12 THE COURT: AS I UNDERSTAND IT, THAT'S NOT GOING TO
03:40PM 13 BE AN ISSUE IN THIS TRIAL. IS THAT RIGHT, THE RELATIONSHIP?

03:40PM 14 MR. SCHENK: THAT IS CORRECT, FROM THE GOVERNMENT'S
03:40PM 15 PERSPECTIVE.

03:40PM 16 THE COURT: OKAY.

03:40PM 17 MR. COOPERSMITH: BUT WE'RE NOT PLANNING TO BRING UP
03:40PM 18 THE QUESTION OF MS. HOLMES'S ALLEGATIONS ABOUT MR. BALWANI'S --
03:40PM 19 THE RELATIONSHIP ISSUE.

03:40PM 20 THE COURT: RIGHT.

03:40PM 21 MR. SCHENK: YOUR HONOR, TO BE CLEAR, THE ABUSE IS
03:40PM 22 NOT GOING TO BE AN ISSUE IN THE TRIAL.

03:40PM 23 THE COURT: RIGHT.

03:40PM 24 MR. SCHENK: THE RELATIONSHIP OBVIOUSLY IS.

03:40PM 25 MR. COOPERSMITH: I UNDERSTOOD MR. SCHENK.

03:40PM 1 THE COURT: I DID, TOO. I DIDN'T ASK THAT ARTFULLY.

03:40PM 2 I TOLD THEM THE NAME AND IN THE INDICTMENT IT'S MENTIONED.

03:40PM 3 LET ME BRING THEM IN. OH, LET ME TELL YOU,

03:40PM 4 MR. COOPERSMITH, I SUGGESTED THAT YOU DIDN'T HAVE TO GO FURTHER

03:40PM 5 WITH QUESTIONS ON JUROR -- RIGHT.

03:41PM 6 MR. COOPERSMITH: WAS IT 50, YOUR HONOR? JUROR 50?

03:41PM 7 THE COURT: YES, YES, BECAUSE OF HER MEDICAL

03:41PM 8 CONDITION AS EXPRESSED. I THINK I'M GOING TO EXCUSE HER

03:41PM 9 BECAUSE OF A MEDICAL HARDSHIP.

03:41PM 10 MR. COOPERSMITH: YOUR HONOR, I GOT THE SIGNAL, AND

03:41PM 11 I STOPPED THE QUESTIONING.

03:41PM 12 THE COURT: RIGHT.

03:41PM 13 MR. COOPERSMITH: SO, YES, WE WOULD AGREE WITH THAT.

03:41PM 14 THE COURT: RIGHT. AND I DON'T KNOW IF YOU WANT TO

03:41PM 15 LET HER KNOW THAT NOW, MS. ROBINSON, AS SHE COMES IN AND THEN

03:41PM 16 SHE DOESN'T HAVE TO SIT THROUGH THE REST. THAT'S GREAT.

03:41PM 17 OKAY. ANYTHING FURTHER BEFORE WE BRING THEM IN?

03:41PM 18 MR. SCHENK: NO, YOUR HONOR.

03:41PM 19 THE COURT: OKAY. MR. COOPERSMITH, ANYTHING

03:41PM 20 FURTHER?

03:41PM 21 MR. COOPERSMITH: NOT BEFORE WE BRING THE JURY UP.

03:41PM 22 THE COURT: OKAY. THANK YOU.

03:41PM 23 (PROSPECTIVE JURY PANEL IN AT 3:41 P.M.)

03:43PM 24 THE COURT: PLEASE BE SEATED. WE'RE BACK ON THE

03:43PM 25 RECORD. ALL PARTIES PREVIOUSLY PRESENT ARE PRESENT ONCE AGAIN.

03:43PM 1 THE JURY PANEL IS PRESENT.

03:43PM 2 THANK YOU FOR YOUR PATIENCE, LADIES AND GENTLEMEN.

03:43PM 3 MR. COOPERSMITH, YOU HAD ADDITIONAL QUESTIONS?

03:43PM 4 MR. COOPERSMITH: THANK YOU, YOUR HONOR.

03:43PM 5 THANK YOU EVERYONE. MY FIRST QUESTION HERE IS HAS ANYONE
03:44PM 6 LISTENED TO A PODCAST BY A GENTLEMAN NAMED TYLER SHULTZ? DOES
03:44PM 7 IT RING ANY BELLS WITH ANYONE?

03:44PM 8 I SEE NO HANDS.

03:44PM 9 THE COURT: DO WE HAVE THE MICROPHONE?

03:44PM 10 THE CLERK: IT'S RIGHT IN HIS HAND.

03:44PM 11 THE COURT: OH, YOU'VE GOT IT. I'M SORRY.

03:44PM 12 MR. COOPERSMITH: THE NEXT QUESTION, HAS ANYONE
03:44PM 13 WATCHED, ATTENDED, OR HAD ANY INVOLVEMENT OR CONTACT WHATSOEVER
03:44PM 14 WITH A "TED TALK," BY A WOMAN NAMED ERIKA CHEUNG?

03:44PM 15 DOES THAT RING ANY BELLS WITH ANYONE?

03:44PM 16 OKAY. I SEE NO HANDS.

03:44PM 17 JUROR NUMBER 6, IF I COULD HAND YOU THE MICROPHONE. THANK
03:44PM 18 YOU.

03:44PM 19 (HANDING.)

03:44PM 20 I BELIEVE IN YOUR QUESTIONNAIRE YOU DESCRIBED THAT SERVING
03:45PM 21 ON THIS JURY MIGHT CREATE A HARDSHIP WITH YOU AND IT HAD TO DO
03:45PM 22 WITH SOME CARE GIVING YOU WERE PROVIDING.

03:45PM 23 COULD YOU TELL ME IF THAT'S CORRECT AND MAYBE TELL US A
03:45PM 24 LITTLE BIT MORE ABOUT THAT?

03:45PM 25 PROSPECTIVE JUROR: OH, SO I HAVE TO WORK EARLY SO I

03:45PM 1 CAN HELP MY SINGLE DAUGHTER TO WORK AFTER I COME HOME BECAUSE I
03:45PM 2 HAVE 97-YEAR-OLD MOTHER-IN-LAW IN MY HOUSE AND 3-YEAR-OLD TO
03:45PM 3 TAKE CARE OF.

03:45PM 4 MR. COOPERSMITH: AND HOW OLD IS YOUR DAUGHTER?

03:45PM 5 PROSPECTIVE JUROR: TWENTY-FIVE.

03:45PM 6 MR. COOPERSMITH: OKAY. AND WHAT ASSISTANCE DOES
03:45PM 7 SHE NEED FROM YOU IN THAT REGARD?

03:45PM 8 PROSPECTIVE JUROR: BABYSITTING.

03:45PM 9 MR. COOPERSMITH: OKAY. AND SO SHE HAS CHILDREN OF
03:45PM 10 HER OWN?

03:45PM 11 PROSPECTIVE JUROR: SHE HAS ONE.

03:45PM 12 MR. COOPERSMITH: SHE HAS ONE CHILD?

03:45PM 13 PROSPECTIVE JUROR:

03:45PM 14 MR. COOPERSMITH: OKAY. AND DOES SHE NEED THE
03:45PM 15 BABYSITTING SO SHE CAN GO TO WORK?

03:45PM 16 PROSPECTIVE JUROR: YES.

03:45PM 17 MR. COOPERSMITH: IS THERE ANOTHER PERSON WHO COULD
03:45PM 18 PROVIDE THAT BABYSITTING IF YOU WERE NOT AVAILABLE?

03:45PM 19 PROSPECTIVE JUROR: NOT RIGHT NOW.

03:46PM 20 MR. COOPERSMITH: I'M SORRY?

03:46PM 21 PROSPECTIVE JUROR: NOT RIGHT NOW.

03:46PM 22 MR. COOPERSMITH: OKAY. AND IS THE HOURS OF THE
03:46PM 23 BABYSITTING, COULD THAT BE ADJUSTED SOMEHOW SO YOU WOULD STILL
03:46PM 24 BE ABLE TO ATTEND THIS TRIAL IF YOU WERE SEATED AS A JUROR?

03:46PM 25 PROSPECTIVE JUROR: I HAVE TO GO LIKE 4:30 AT WORK

03:46PM 1 SO I CAN COME HOME EARLY SO SHE CAN LEAVE AFTER.

03:46PM 2 MR. COOPERSMITH: OKAY. AND THE QUESTION I'M
03:46PM 3 ASKING, AND JUDGE DAVILA MAY HAVE FOLLOW-UP QUESTIONS, BUT IS
03:46PM 4 THERE ANY ADJUSTMENT THAT YOU CAN THINK OF THAT YOU CAN MAKE TO
03:46PM 5 MAKE SURE THAT YOUR FAMILY IS PROVIDED FOR AND THE BABYSITTING
03:46PM 6 OCCURS AND YOU COULD ALSO BE A JUROR IN THIS CASE?

03:46PM 7 PROSPECTIVE JUROR: I DON'T KNOW.

03:46PM 8 MR. COOPERSMITH: OKAY. THANK YOU.

03:46PM 9 JUROR NUMBER 42.

03:47PM 10 AND MY QUESTION TO YOU IS VERY SIMILAR, AND I CAN BE WRONG
03:47PM 11 AND YOU CAN TELL ME THAT, BUT IS THERE AN ISSUE THAT YOU HAVE
03:47PM 12 WITH BEING SEATED AS A JUROR IN THIS CASE?

03:47PM 13 WOULD IT CREATE A HARDSHIP WITH YOU OR SOME DIFFICULTY
03:47PM 14 WITH YOUR FAMILY OR ANYTHING ELSE LIKE THAT?

03:47PM 15 PROSPECTIVE JUROR: SO I'VE BEEN APPLYING FOR THE
03:47PM 16 LAST MONTH FOR A JOB, AND SINCE I WAS AWAY FROM WORK FOR THE
03:47PM 17 LAST TEN YEARS IT WAS NOT LIKE REALLY EASY TO FIND SOME. AND
03:47PM 18 NOW, LIKE I HAVE SOME OFFERS, SO I REALLY WANT TO JOIN THOSE,
03:47PM 19 AND IT WOULD BE REALLY UNFAIR THAT I DON'T LET THEM KNOW OF
03:47PM 20 THIS SCHEDULE, LIKE I WON'T BE ABLE TO GO THERE LIKE THREE DAYS
03:47PM 21 A WEEK. SO THAT WOULD BE LIKE VERY CONCERNING TO ME.

03:48PM 22 MR. COOPERSMITH: OKAY. AND YOU HAVE MORE THAN ONE
03:48PM 23 JOB OFFER RIGHT NOW?

03:48PM 24 PROSPECTIVE JUROR: AT PRESENT I HAVE ONE ALREADY
03:48PM 25 AND TODAY, MORNING, I RECEIVED IN THE MAIL THAT THEY'RE PUTTING

03:48PM 1 ONE FOR ME.

03:48PM 2 MR. COOPERSMITH: FIRST OF ALL, CONGRATULATIONS.

03:48PM 3 PROSPECTIVE JUROR: THANK YOU.

03:48PM 4 MR. COOPERSMITH: AND IS THIS A JOB THAT YOU WOULD
03:48PM 5 WANT TO TAKE?

03:48PM 6 PROSPECTIVE JUROR: YEAH. THE SECOND ONE, LIKE
03:48PM 7 TODAY IS SOMETHING THAT I'M WILLING TO TAKE.

03:48PM 8 MR. COOPERSMITH: AND ARE YOU ABLE TO TELL US WHAT
03:48PM 9 THE JOB IS OR IF YOU CAN TELL US ABOUT THAT PUBLICLY?

03:48PM 10 PROSPECTIVE JUROR: YES. IT'S AT GENAPSYS, AND IT'S
03:48PM 11 A BIOTECH COMPANY. IT'S ON GENOME SEQUENCING.

03:48PM 12 MR. COOPERSMITH: OKAY. DO YOU HAVE ANY IDEA OF
03:48PM 13 WHEN THEY WANT YOU TO START OR COULD YOU DELAY THE START FOR
03:48PM 14 SOME TIME IF YOU WERE SERVING AS A JUROR IN THIS CASE FOR A FEW
03:48PM 15 MONTHS?

03:48PM 16 PROSPECTIVE JUROR: I THINK THEY NEED NOW. LIKE, I
03:48PM 17 CAN TALK TO THEM, BUT THEY PUT THE START DATE THE 28TH. THEY
03:49PM 18 SAID TODAY THEY'LL PUT THE START DATE ON THE 28TH, BUT THEY
03:49PM 19 HAVE NOT SENT THE OFFER YET. THEY SAID THEY'RE PUTTING IT
03:49PM 20 TOGETHER.

03:49PM 21 MR. COOPERSMITH: OKAY. AND WHEN DID YOU GET THE
03:49PM 22 NEWS THAT YOU WOULD GET THIS OFFER?

03:49PM 23 PROSPECTIVE JUROR: I INTERVIEWED WITH THEM
03:49PM 24 YESTERDAY AND LAST FRIDAY.

03:49PM 25 MR. COOPERSMITH: OKAY. SO IT JUST HAPPENED?

03:49PM 1 PROSPECTIVE JUROR: YES.

03:49PM 2 MR. COOPERSMITH: AND EVEN AS YOU FILLED OUT THE

03:49PM 3 QUESTIONNAIRE IN COURT?

03:49PM 4 PROSPECTIVE JUROR: YES.

03:49PM 5 MR. COOPERSMITH: OKAY. ALL RIGHT. THANK YOU.

03:49PM 6 PROSPECTIVE JUROR: AND THE OTHER OFFER I GOT

03:49PM 7 EARLIER.

03:49PM 8 MR. COOPERSMITH: I'M SORRY?

03:49PM 9 PROSPECTIVE JUROR: THE OTHER OFFER THAT I ALREADY

03:49PM 10 GOT WAS BEFORE THE QUESTIONNAIRE.

03:49PM 11 MR. COOPERSMITH: OKAY. THANK YOU.

03:49PM 12 THE COURT: SO, JUROR NUMBER 42, DID YOU SAY THE

03:49PM 13 28TH, IS THAT MARCH 28TH?

03:49PM 14 PROSPECTIVE JUROR: YES.

03:49PM 15 THE COURT: I SEE. THAT'S THE EXPECTED START DATE?

03:49PM 16 PROSPECTIVE JUROR: YES.

03:49PM 17 THE COURT: YES. AND IF YOU -- HAVE YOU ACCEPTED

03:49PM 18 THE OFFER OR TOLD THEM YOU HAVE AN INTEREST OR --

03:49PM 19 PROSPECTIVE JUROR: YEAH, I SHOWED TREMENDOUS

03:50PM 20 INTEREST, BUT THEY HAVEN'T EVEN GIVEN ME THE OFFER YET, SO THEY

03:50PM 21 TOLD ME IN THE MORNING THEY'RE PUTTING IT TOGETHER.

03:50PM 22 THE COURT: I SEE.

03:50PM 23 PROSPECTIVE JUROR: BUT THEY NEED TO MAKE SURE

03:50PM 24 EVERYTHING IS GOOD.

03:50PM 25 THE COURT: I SEE. ALL RIGHT. AND YOU HAVE CONCERN

03:50PM 1 THAT -- I THINK I HEAR YOU SAYING THAT IF YOU ACCEPT THE OFFER
03:50PM 2 AND THEY SAY GREAT, JOIN, WELCOME TO THE TEAM, AND THEN YOU
03:50PM 3 SAY, OH, BUT THERE'S ONE THING?

03:50PM 4 PROSPECTIVE JUROR: YEAH.

03:50PM 5 THE COURT: YOU WON'T BE ABLE TO WORK FULL TIME YET,
03:50PM 6 MAYBE YOU'LL BE ABLE TO GO IN TWO DAYS A WEEK.

03:50PM 7 PROSPECTIVE JUROR: AND THEY WOULD BE LIKE TRAINING,
03:50PM 8 AND I WOULDN'T BE ABLE TO LEARN THE THING PROPERLY IF I'M NOT
03:50PM 9 THERE.

03:50PM 10 THE COURT: YES, I SEE.

03:50PM 11 PROSPECTIVE JUROR: IN THE BEGINNING.

03:50PM 12 THE COURT: AND YOU ANTICIPATE RECEIVING THIS OFFER
03:50PM 13 IN THE NEXT FEW DAYS I TAKE IT?

03:50PM 14 PROSPECTIVE JUROR: YEAH, YEAH.

03:50PM 15 THE COURT: OKAY.

03:50PM 16 PROSPECTIVE JUROR: AND I ALREADY HAVE THE OTHER ONE
03:50PM 17 STARTED AND THAT'S 21 START DATE.

03:50PM 18 THE COURT: AND YOUR PREFERENCE IS FOR THE 28TH?

03:50PM 19 PROSPECTIVE JUROR: YES.

03:51PM 20 THE COURT: ALL RIGHT. THANK YOU VERY MUCH. THANK
03:51PM 21 YOU.

03:51PM 22 MR. COOPERSMITH: THANK YOU, YOUR HONOR.

03:51PM 23 COULD YOU HAND THIS BACK TO JUROR 79.

03:51PM 24 JUROR 79, I THINK YOU SAID BEFORE THAT YOU'RE A SOCIAL
03:51PM 25 WORKER; IS THAT RIGHT?

03:51PM 1 PROSPECTIVE JUROR: YES.

03:51PM 2 MR. COOPERSMITH: AND IT'S FOR A CLINIC?

03:51PM 3 PROSPECTIVE JUROR: YES, A DIALYSIS CLINIC.

03:51PM 4 MR. COOPERSMITH: A DIALYSIS CLINIC?

03:51PM 5 PROSPECTIVE JUROR: UH-HUH.

03:51PM 6 MR. COOPERSMITH: AND WHAT ARE YOUR DUTIES AS A

03:51PM 7 SOCIAL WORKER AT A DIALYSIS CLINIC?

03:51PM 8 PROSPECTIVE JUROR: YES. I DO CASE MANAGEMENT,

03:51PM 9 CRISIS INTERVENTION, AND I ALSO PSYCHO SOCIAL ASSESSMENTS AND

03:51PM 10 ASSESS WHAT THE PATIENTS NEED, IF THEY NEED ANY SUPPORT AT HOME

03:51PM 11 OR IF THERE IS SOMETHING GOING ON IN THE CLINIC THAT IS

03:51PM 12 AFFECTING THEM, COLLABORATE WITH THE TEAM AND THEIR DOCTOR.

03:51PM 13 MR. COOPERSMITH: OKAY. I THINK YOU SAID YOU WERE

03:51PM 14 ONE OF THE PEOPLE WHO WAS FLUENT IN SPANISH; IS THAT RIGHT?

03:52PM 15 PROSPECTIVE JUROR: NO.

03:52PM 16 MR. COOPERSMITH: YOU DIDN'T SAY THAT?

03:52PM 17 PROSPECTIVE JUROR: NO.

03:52PM 18 MR. COOPERSMITH: IT MUST HAVE BEEN SOMEONE ELSE. I

03:52PM 19 APOLOGIZE.

03:52PM 20 IN THIS JOB, IS IT A PRIVATE EMPLOYER OR IS IT A PUBLIC

03:52PM 21 EMPLOYER?

03:52PM 22 PROSPECTIVE JUROR: IT'S A PUBLIC EMPLOYER.

03:52PM 23 MR. COOPERSMITH: PUBLIC EMPLOYER.

03:52PM 24 PROSPECTIVE JUROR: I THINK SO.

03:52PM 25 MR. COOPERSMITH: DO YOU KNOW -- WHO IS IT? IS IT

03:52PM 1 THE PUBLIC EMPLOYER?

03:52PM 2 PROSPECTIVE JUROR: SO I WORK FOR DA VITA.

03:52PM 3 MR. COOPERSMITH: OH, SO IS DA VITA A PRIVATE
03:52PM 4 COMPANY?

03:52PM 5 PROSPECTIVE JUROR: IT'S A, YEAH, NONPROFIT.

03:52PM 6 MR. COOPERSMITH: A DIALYSIS COMPANY.

03:52PM 7 PROSPECTIVE JUROR: YEAH.

03:52PM 8 MR. COOPERSMITH: SO ABOUT THAT.

03:52PM 9 DO YOU KNOW IF DA VITA COULD FIND A REPLACEMENT, RIGHT,
03:52PM 10 BECAUSE THEY HAVE OTHER LOCATIONS AROUND THE AREA, COULD WE
03:52PM 11 FIND ANOTHER SOCIAL WORKER AT LEAST TEMPORARILY TO TAKE YOUR
03:52PM 12 PLACE, DO YOU KNOW?

03:52PM 13 PROSPECTIVE JUROR: YEAH. AS I MENTIONED EARLIER,
03:52PM 14 OUR SOCIAL WORKER IN THE REGIONS, OUR STAFF IS REALLY LOW, AND
03:52PM 15 ALL OF THE SOCIAL WORKERS ARE ALREADY COVERING OTHER CLINICS,
03:52PM 16 AND WE ARE THE BIGGEST CLINIC IN THE REGION.

03:52PM 17 MR. COOPERSMITH: OKAY. HAVE YOU ALREADY TALKED
03:52PM 18 ABOUT THIS WITH YOUR EMPLOYERS?

03:52PM 19 PROSPECTIVE JUROR: I DID, I DID.

03:53PM 20 MR. COOPERSMITH: AND WHAT WAS THE RESPONSE?

03:53PM 21 PROSPECTIVE JUROR: I MEAN, IT'S DEFINITELY GOING TO
03:53PM 22 BE HARD TO GET ALL OF OUR PATIENTS BECAUSE WE DO HAVE A CENSUS
03:53PM 23 OF ABOUT 130, AND IT'S GOING TO BE A DIFFICULT PROCESS TO GET
03:53PM 24 US TO MOVE.

03:53PM 25 SO I FOUND OUT THURSDAY AFTER COMING HERE THAT WE WERE

03:53PM 1 GOING TO BE AUDITED BY THE STATE AND WE SHOULD BE LOOKING TO
03:53PM 2 MOVE WITHIN THE NEXT TWO WEEKS.

03:53PM 3 MR. COOPERSMITH: OKAY. WHAT, IF ANY, IMPACT WOULD
03:53PM 4 THERE BE ON THE PATIENTS IF YOU WERE NOT AVAILABLE FOR
03:53PM 5 APPROXIMATELY 13 WEEKS?

03:53PM 6 PROSPECTIVE JUROR: IT COULD BE A LOT. I MEAN,
03:53PM 7 THERE'S A LOT OF ISSUES THAT DO COME UP.

03:53PM 8 AS I MENTIONED EARLIER AS WELL, I AM WORKING ON A CASE
03:54PM 9 INVOLVING APS AND THE SAFETY OF A PATIENT, AND SO OTHER ISSUES
03:54PM 10 LIKE THIS COULD ARISE MAKING SURE THAT THEY DO GET THEIR
03:54PM 11 DIALYSIS.

03:54PM 12 IT IS AN IN CENTER, SO THEY NEED TO COME TO TREATMENT
03:54PM 13 THREE TIMES A WEEK, AND JUST FACILITATING AND MAKING SURE THAT
03:54PM 14 PROPER ARRANGEMENTS ARE MADE AS WE CONTINUE TO MOVE INTO THE
03:54PM 15 NEW CLINIC.

03:54PM 16 MR. COOPERSMITH: OKAY. ANYTHING ELSE YOU WANT TO
03:54PM 17 ADD TO THAT BEFORE WE MOVE ON?

03:54PM 18 PROSPECTIVE JUROR: UM, I DON'T KNOW IF IT MAKES A
03:54PM 19 DIFFERENCE, BUT I AM AN IN CENTER HEMO, SO I WORK WITH PATIENTS
03:54PM 20 INVOLVING BLOOD.

03:54PM 21 MR. COOPERSMITH: OKAY. THANK YOU.

03:54PM 22 THE COURT: PARDON ME, MR. COOPERSMITH.

03:54PM 23 MR. COOPERSMITH: PLEASE, YOUR HONOR.

03:54PM 24 THE COURT: YOU TOLD US THAT YOU SPOKE WITH YOUR
03:54PM 25 EMPLOYER ABOUT POTENTIAL JURY SERVICE IN THIS CASE?

03:54PM 1 PROSPECTIVE JUROR: YES.

03:54PM 2 THE COURT: AND SO THEY'RE AWARE OF IF YOU'RE
03:54PM 3 SELECTED AS A JUROR, THEY'RE AWARE OF THE IMPACT THAT THIS
03:55PM 4 MIGHT HAVE ON THE COMPANY?

03:55PM 5 PROSPECTIVE JUROR: YES.

03:55PM 6 THE COURT: RIGHT.

03:55PM 7 PROSPECTIVE JUROR: I'M SORRY, DID YOU ASK A
03:55PM 8 QUESTION?

03:55PM 9 THE COURT: NO, I'M TRYING TO FORMULATE THE
03:55PM 10 QUESTION. THANK YOU.

03:55PM 11 SO YOUR EMPLOYER, DID THEY JUST TELL YOU WELL, JUST GO AND
03:55PM 12 SEE WHAT HAPPENS, SOMETHING LIKE THAT? WAS THAT THEIR
03:55PM 13 RESPONSE?

03:55PM 14 PROSPECTIVE JUROR: I MEAN, I DON'T KNOW WHAT ELSE
03:55PM 15 THEY COULD SAY.

03:55PM 16 THE COURT: WELL, FAIR ENOUGH. RIGHT. THANK YOU.
03:55PM 17 THANK YOU FOR HELPING US. THANK YOU.

03:55PM 18 MR. COOPERSMITH: THANK YOU, YOUR HONOR.

03:55PM 19 ONE OTHER THING, YOU MENTIONED WHEN I ASKED IF YOU HAD
03:55PM 20 ANYTHING ELSE, YOU TALKED ABOUT IN YOUR JOB YOU WORK WITH BLOOD
03:55PM 21 I THINK YOU SAID.

03:55PM 22 PROSPECTIVE JUROR: UH-HUH. SO OUR PATIENTS GET --
03:55PM 23 SO I WORK FOR AN IN CENTER HEMO DIALYSIS CLINIC WHICH, PATIENTS
03:55PM 24 IN ORDER TO GET THEIR DIALYSIS, THEIR BLOOD IS FILTERED THROUGH
03:56PM 25 THE MACHINE. SO I JUST WANTED TO LET YOU GUYS KNOW WHAT I DO.

03:56PM 1 MR. COOPERSMITH: I APPRECIATE THAT.

03:56PM 2 IS THERE ANYTHING ABOUT THAT THAT YOU THINK WOULD AFFECT

03:56PM 3 YOUR ABILITY TO SERVE AS A JUROR AND BE FAIR IN THIS CASE?

03:56PM 4 PROSPECTIVE JUROR: NO.

03:56PM 5 MR. COOPERSMITH: OKAY. COULD WE HAND THE

03:56PM 6 MICROPHONE TO JUROR 101.

03:56PM 7 THE COURT: OKAY. I WANT TO ACKNOWLEDGE, YOU HAVE A

03:56PM 8 BACHELOR'S DEGREE AND YOU HAVE A MASTER'S DEGREE ALSO; IS THAT

03:56PM 9 RIGHT?

03:56PM 10 PROSPECTIVE JUROR: YES.

03:56PM 11 THE COURT: OKAY. I SEE. THANK YOU.

03:56PM 12 MR. COOPERSMITH: OKAY. DID I HEAR YOU CORRECTLY

03:56PM 13 BEFORE, JUROR 101, THAT YOU OWN SOME RESTAURANT; IS THAT RIGHT?

03:56PM 14 PROSPECTIVE JUROR: YES, I OWN FIVE RESTAURANT.

03:56PM 15 MR. COOPERSMITH: OKAY. AND IN OWNING FIVE

03:56PM 16 RESTAURANT, DO YOU HAVE OTHER PEOPLE WHO WORK FOR YOU WHO COULD

03:56PM 17 TAKE OVER YOUR RESPONSIBILITIES WHILE YOU -- IF YOU WERE

03:56PM 18 SERVING AS A JUROR?

03:56PM 19 PROSPECTIVE JUROR: I'M SORRY. I'M DRIVING TWO

03:56PM 20 HOURS HERE, AND I NEED TO DRIVE BACK TWO HOURS. I'M NOT FROM

03:56PM 21 HERE, FIRST.

03:57PM 22 I HAVE THREE CHILDREN, ONE 11, ONE 9, AND ONE 4. IT'S

03:57PM 23 REALLY LIKE HARD TO DO MORNING DROPOFF AND THE PICKUP. ONLY I

03:57PM 24 AND MY HUSBAND DO IT.

03:57PM 25 AND RIGHT NOW IT'S HARD TO FIND SUPPLIES, AND THAT'S WHY I

03:57PM 1 NEED TO GO TO THE MARKET EVERY DAY AND THE STORE NEEDS THE
03:57PM 2 STUFF, AND THAT'S WHY IT'S HARD TO STAY HERE LATE THREE TIMES A
03:57PM 3 WEEK FOR 13 WEEKS.

03:57PM 4 MR. COOPERSMITH: AND IF YOU WERE SERVING AS A
03:57PM 5 JUROR, IS THERE SOMEONE ELSE WHO COULD TAKE OVER YOUR
03:57PM 6 RESPONSIBILITIES TO GO TO THE MARKET AND THE OTHER THINGS THAT
03:57PM 7 YOU HAVE TO DO TO RUN YOUR RESTAURANT?

03:57PM 8 PROSPECTIVE JUROR: YEAH, THEY CAN HELP ME THE FIRST
03:57PM 9 WEEK, THE SECOND WEEK, BUT I DON'T THINK IT WILL TAKE THAT
03:57PM 10 LONG.

03:57PM 11 MR. COOPERSMITH: OKAY. OKAY. THANK YOU.

03:57PM 12 PROSPECTIVE JUROR: YEAH.

03:57PM 13 MR. COOPERSMITH: ONE OTHER THING, JUROR 101, IS
03:58PM 14 THERE ANYONE ELSE WHO COULD TAKE CARE OF YOUR CHILDREN TO DO
03:58PM 15 WHAT THEY NEED WHILE YOU WERE SERVING AS A JUROR? IS THAT AN
03:58PM 16 ISSUE FOR YOU OR NOT?

03:58PM 17 PROSPECTIVE JUROR: NO. MY KIDS IS OKAY BECAUSE WE
03:58PM 18 HAVE SOMEONE TO HELP WITH THE KIDS, YEAH, WE HAD TWO PERSON AND
03:58PM 19 THEY PICK UP AND THEY DO ALL OF THEIR JOB.

03:58PM 20 MR. COOPERSMITH: OKAY. SO IT'S REALLY THE
03:58PM 21 RESTAURANT RESPONSIBILITY?

03:58PM 22 PROSPECTIVE JUROR: YEAH, ONLY THE BUSINESS.

03:58PM 23 MR. COOPERSMITH: OKAY. I UNDERSTAND. THANK YOU.

03:58PM 24 THE COURT: AND, MA'AM, YOUR HUSBAND IS A CO-OWNER
03:58PM 25 OF THE RESTAURANT?

03:58PM 1 PROSPECTIVE JUROR: NO. HE'S JUST A MANAGER OF THE
03:58PM 2 STORE.
03:58PM 3 THE COURT: OH.
03:58PM 4 PROSPECTIVE JUROR: YEAH.
03:58PM 5 THE COURT: HE WORKS FOR YOU?
03:58PM 6 PROSPECTIVE JUROR: YES.
03:58PM 7 THE COURT: OH. GOOD. OKAY.
03:58PM 8 ARE YOU A GOOD BOSS?
03:58PM 9 PROSPECTIVE JUROR: OF COURSE.
03:58PM 10 THE COURT: OKAY. WELL, HE'S NOT HERE. I CAN'T ASK
03:58PM 11 HIM THAT QUESTION, BUT I'LL TAKE YOUR WORD FOR IT. THANK YOU.
03:58PM 12 PROSPECTIVE JUROR: YEAH, I THINK IF YOU ASK HIM.
03:59PM 13 MR. COOPERSMITH: I WANT TO ASK ONE OTHER THING. IS
03:59PM 14 THERE ANYBODY WHO HAS ANY OTHER REASON WHY YOU DON'T THINK THAT
03:59PM 15 YOU COULD SERVE AS A JUROR IN THIS CASE OR YOU COULDN'T BE FAIR
03:59PM 16 OR ANYTHING OF THAT NATURE THAT WE HAVEN'T DISCUSSED? AND I'M
03:59PM 17 SORRY IF I HAVEN'T CALLED ON EACH ONE OF YOU INDIVIDUALLY.
03:59PM 18 IT'S JUST THAT WE HAVE THE TIME THAT WE HAVE.
03:59PM 19 BUT IS THERE ANYTHING ELSE THAT YOU WOULD LIKE TO RAISE
03:59PM 20 YOUR HAND ABOUT, AND IF IT'S SOMETHING THAT YOU WOULD LIKE TO
03:59PM 21 DISCUSS IN PRIVATE, YOU CAN SAY THAT, TOO.
03:59PM 22 I JUST WANTED TO KNOW IF THERE WAS ANYTHING ELSE?
03:59PM 23 JUROR NUMBER 10.
03:59PM 24 PROSPECTIVE JUROR: WHEN I READ THE SCHEDULE I JUST
03:59PM 25 REALIZED THAT THE TRIAL IS GOING TO BE ENDING THE END OF JUNE

03:59PM 1 PROBABLY.

03:59PM 2 MR. COOPERSMITH: IT'S PROJECTED TO BE ABOUT
03:59PM 3 13 WEEKS, SO THAT SOUNDS ABOUT RIGHT, YES.

03:59PM 4 PROSPECTIVE JUROR: OH, OKAY.

04:00PM 5 BECAUSE I DON'T KNOW IF I SELECTED TO BE A JUROR, CAN I BE
04:00PM 6 EXCUSED BY A WEEK?

04:00PM 7 THE REASON I ASK IS MY SON IS GOING TO GRADUATE FROM UCI
04:00PM 8 IN THE SUMMER THE WEEK OF JUNE 12TH, SO I THINK I NEED TO
04:00PM 9 ATTEND HIS GRADUATION CEREMONY.

04:00PM 10 MR. COOPERSMITH: AND WHERE IS THE GRADUATION?

04:00PM 11 PROSPECTIVE JUROR: UCI, IRVINE.

04:00PM 12 MR. COOPERSMITH: SO YOU NEED TO GO DOWN THAT WEEK?

04:00PM 13 PROSPECTIVE JUROR: I ONLY KNOW IT'S JUNE 12TH TO
04:00PM 14 JUNE 18TH.

04:00PM 15 MR. COOPERSMITH: AND I DON'T KNOW WHETHER WE'LL
04:00PM 16 STILL BE IN TRIAL THEN OR NOT, BUT IF WE WERE, WOULD YOU HAVE
04:00PM 17 TO GO FOR THE WHOLE WEEK OR IS IT A MATTER OF -- IT'S A SHORT
04:00PM 18 FLIGHT RELATIVELY SPEAKING.

04:00PM 19 PROSPECTIVE JUROR: WE PROBABLY GOING TO DRIVE THERE
04:00PM 20 TWO OR THREE DAYS. IS IT OKAY IF I SKIP?

04:01PM 21 MR. COOPERSMITH: I THINK THAT WILL BE UP TO
04:01PM 22 JUDGE DAVILA.

04:01PM 23 THE COURT: WHAT WE'LL DO IS WE'LL LOOK AND SEE.
04:01PM 24 THEY'RE THE ANTEATERS, AREN'T THEY? I BELIEVE THEY'RE THE
04:01PM 25 ANTEATERS. WE'LL CHECK. AND MAY I ASK YOU TO CHECK AND SEE

04:01PM 1 WHAT THAT DATE IS, THE ACTUAL GRADUATION DATE IS?

04:01PM 2 PROSPECTIVE JUROR: YEAH, BECAUSE I DON'T WANT TO

04:01PM 3 MISS THAT.

04:01PM 4 THE COURT: NO. I THINK MR. COOPERSMITH WOULD

04:01PM 5 AGREE, ATTENDING A GRADUATION OF A SON OR DAUGHTER IS ONE OF

04:01PM 6 THE MOST PROUD MOMENTS THAT YOU CAN HAVE.

04:01PM 7 MR. COOPERSMITH: I DO, YOUR HONOR. YES.

04:01PM 8 THE COURT: HE'S GOING TO ONE, TOO, LATER -- IS IT

04:01PM 9 IN MAY, MR. COOPERSMITH?

04:01PM 10 MR. COOPERSMITH: IT IS, YOUR HONOR.

04:01PM 11 THE COURT: RIGHT. SO IT'S IMPORTANT.

04:01PM 12 SO IF YOU COULD FIND THAT DATE FOR US, AND WE'LL LOOK,

04:01PM 13 TOO, THAT WOULD BE HELPFUL.

04:01PM 14 PROSPECTIVE JUROR: OKAY.

04:01PM 15 THE COURT: OKAY.

04:01PM 16 PROSPECTIVE JUROR: I'M NOT SURE YET, AND I KNOW

04:01PM 17 IT'S THAT WEEK.

04:01PM 18 THE COURT: RIGHT. RIGHT. WELL, IT'S HARD TO FIND

04:01PM 19 AN ANTEATER TO WALK DOWN THE AISLE THERE WITH THE STUDENT, I

04:01PM 20 KNOW.

04:01PM 21 ALL RIGHT. WE'LL CHECK ON THAT.

04:01PM 22 PROSPECTIVE JUROR: ALL RIGHT.

04:01PM 23 MR. COOPERSMITH: THANK YOU.

04:02PM 24 YOUR HONOR, I HAVE NOTHING FURTHER FOR THE ENTIRE PANEL AT

04:02PM 25 THIS TIME.

04:02PM 1 THE COURT: ALL RIGHT. THANK YOU.

04:02PM 2 LET ME SEE COUNSEL AT SIDE-BAR, AND WE'LL DO THAT IN THE
04:02PM 3 JURY ROOM. FOLKS, WE'RE JUST ABOUT DONE.

04:02PM 4 TAKE A STANDING BREAK FOR A FEW MOMENTS AND DON'T LEAVE
04:02PM 5 YOUR SEAT AREA, BUT I NEED TO HAVE A FIVE MINUTE CONVERSATION
04:02PM 6 WITH THESE LAWYERS ABOUT SCHEDULING MATTERS, AND THEN WE'LL
04:02PM 7 COME OUT, AND I THINK WE'LL BE DONE FOR THE DAY.

04:10PM 8 AND PLEASE DON'T DISCUSS ANYTHING I SAID EARLIER, LADIES
04:10PM 9 AND GENTLEMEN, ABOUT THE CASE.

04:10PM 10 (SIDE-BAR CONFERENCE ON THE RECORD.)

04:10PM 11 THE COURT: WE'RE AT SIDE-BAR OUTSIDE OF THE
04:10PM 12 PRESENCE OF THE JURY. MR. SCHENK IS PRESENT AND
04:10PM 13 MR. COOPERSMITH IS PRESENT.

04:10PM 14 COUNSEL, I'M THINKING THAT WE WOULD ENGAGE A CONVERSATION
04:10PM 15 WITH THOSE JURORS, PROSPECTIVE JURORS WHO WERE AWARE OF THE
04:10PM 16 OUTCOME OF MS. HOLMES'S CASE, JURORS SPECIFICALLY NUMBER 1, 72,
04:10PM 17 69, AND 77.

04:10PM 18 MY THOUGHT IS THAT WE WOULD START -- WE WOULD EXCUSE OR
04:10PM 19 ALLOW THE OTHER JURORS TO GO HOME FOR THE EVENING SUBJECT TO
04:10PM 20 RECALL, AND THEN KEEP THESE FOUR JURORS AND HAVE A CONVERSATION
04:10PM 21 WITH THEM BEGINNING COLLECTIVELY AND SEE WHERE THAT QUESTIONING
04:10PM 22 AND ANSWER TAKES US. IF WE NEED TO SEPARATE INDIVIDUALLY, WE
04:10PM 23 CAN LOOK AT IT AT THAT POINT AND SEE WHERE IT GOES.

04:10PM 24 THAT'S WHAT I WOULD LIKE TO ADVANCE, BUT I'M HAPPY TO HEAR
04:10PM 25 YOUR COMMENTS.

04:10PM 1 MR. COOPERSMITH: YES, YOUR HONOR.

04:10PM 2 OUR PREFERENCE FOR MR. BALWANI WOULD BE TO HAVE EACH JUROR
04:10PM 3 QUESTIONED INDIVIDUALLY ONE AT A TIME, AND WE WOULD TRY TO BE
04:10PM 4 AS EFFICIENT AS POSSIBLE.

04:10PM 5 BUT OBVIOUSLY WE THINK THE FOUR TOGETHER, AT LEAST
04:10PM 6 STARTING OUT THAT WAY, IS BETTER THAN DOING THE WHOLE GROUP
04:10PM 7 SESSION. SO THAT'S OUR POSITION.

04:10PM 8 THE COURT: OKAY. MR. SCHENK.

04:10PM 9 MR. SCHENK: YOUR HONOR, I THINK QUESTIONING THE
04:10PM 10 FOUR OF THEM COLLECTIVELY AT LEAST AT THE BEGINNING IS
04:10PM 11 APPROPRIATE, AND IF WE LEARN SOMETHING THROUGH THAT PROCESS
04:10PM 12 THAT ENCOURAGES INDIVIDUAL VOIR DIRE, WE CAN CROSS THAT BRIDGE
04:10PM 13 WHEN WE COME TO IT.

04:10PM 14 THE COURT: ALL RIGHT. ANYTHING FURTHER?

04:10PM 15 SO WHAT I'LL DO IS KEEP THE FOUR JURORS THAT I MENTIONED.
04:10PM 16 WE'LL TALK TO THEM ABOUT THEIR KNOWLEDGE OF THE OUTCOME OF THE
04:10PM 17 HOLMES CASE, WE'LL ALLOW THE OTHERS TO GO HOME, AND THEN WE'LL
04:10PM 18 SEE WHERE THAT TAKES US, AND THEN WE'LL HAVE CONVERSATION ABOUT
04:10PM 19 OTHER STEPS WITH THIS PANEL.

04:10PM 20 MR. COOPERSMITH: THE ONLY OTHER THING I WAS JUST
04:10PM 21 THINKING ABOUT, AND I DON'T KNOW THE ANSWER TO THIS OFF THE TOP
04:10PM 22 OF MY HEAD, BUT IS ANY OF THOSE -- DO ANY OF THOSE FOUR OVERLAP
04:10PM 23 WITH THE GROUP WHO KNEW SOMETHING ABOUT THE RELATIONSHIP?

04:10PM 24 THE COURT: YES, 77 AND 69 IN THAT GROUP? 69.

04:10PM 25 MR. COOPERSMITH: SO HOW WOULD YOUR HONOR LIKE TO

04:10PM 1 HANDLE THAT?

04:10PM 2 THE COURT: WELL, MAYBE WE CAN KEEP THOSE TWO -- AND
04:10PM 3 NUMBER 1.

04:10PM 4 MR. COOPERSMITH: THREE OF THE FOUR?

04:10PM 5 THE COURT: RIGHT. SO MAYBE WE CAN HAVE THAT
04:10PM 6 CONVERSATION AND EXCUSE JUROR NUMBER 72 WHEN WE'RE DONE WITH
04:10PM 7 THE OUTCOME, AND THEN START WITH THE COLLOQUY ABOUT THE
04:10PM 8 RELATIONSHIP IF WE HAVE TIME.

04:10PM 9 MR. COOPERSMITH: RIGHT.

04:10PM 10 THE COURT: LET'S SEE WHERE WE GO.

04:10PM 11 MR. COOPERSMITH: THANK YOU, YOUR HONOR.

04:10PM 12 THE COURT: OKAY. THANK YOU.

04:10PM 13 (END OF DISCUSSION AT SIDE-BAR.)

04:10PM 14 THE COURT: ALL RIGHT. THANK YOU. WE'RE BACK ON
04:11PM 15 THE RECORD. ALL COUNSEL ARE PRESENT. MR. BALWANI IS PRESENT.
04:11PM 16 THE JURY PANEL IS PRESENT.

04:11PM 17 THANK YOU, LADIES AND GENTLEMEN. WE'VE REACHED THE END OF
04:11PM 18 THE DAY. WHAT WE'RE GOING TO DO IS I'M GOING TO ALLOW YOU TO
04:11PM 19 LEAVE, AND YOU WILL BE NOTIFIED, AS I SAID EARLIER, BY OUR
04:11PM 20 COURT COMMISSIONER AS TO WHETHER OR WHETHER YOU SHOULD RETURN
04:11PM 21 TO COURT.

04:11PM 22 WHILE YOU'RE AWAY FROM COURT I WANTED TO ADMONISH YOU
04:11PM 23 YOU'RE NOT TO DO ANY INDEPENDENT RESEARCH, YOU'RE NOT TO LEARN,
04:11PM 24 LISTEN, READ, OR DO ANYTHING TO GAIN ADDITIONAL KNOWLEDGE ABOUT
04:11PM 25 THIS CASE OR ANYTHING TO DO WITH IT, THAT INCLUDES THE

04:11PM 1 DEFENDANT, THE LAWYERS AND ANYTHING ABOUT THIS CASE. PLEASE
04:11PM 2 DON'T DO THAT.

04:11PM 3 PLEASE DON'T DISCUSS THE CASE AMONGST YOURSELVES OR WITH
04:11PM 4 ANY FAMILY MEMBERS, PLEASE. TRY TO AVOID THAT.

04:11PM 5 I WILL ALLOW YOU TO LEAVE. I'M GOING TO ASK FOUR OF YOU
04:12PM 6 TO STAY, HOWEVER. JUROR NUMBER 1, NUMBER 72, NUMBER 69, AND
04:12PM 7 NUMBER 77, IF YOU COULD STAY. I JUST HAVE SOME ADDITIONAL
04:12PM 8 QUESTIONS FOR THOSE JURORS, PLEASE.

04:12PM 9 SO IF YOU COULD REMAIN IN YOUR SEATS, I'D BE GRATEFUL.

04:12PM 10 THE BALANCE OF YOU, PLEASE, THANK YOU FOR SPENDING YOUR
04:12PM 11 DAY HERE IN COURT, AND AS I SAID, THE COMMISSIONER WILL NOTIFY
04:12PM 12 YOU AS TO NEXT STEPS INVOLVING THIS CASE.

04:12PM 13 SO THANK YOU VERY MUCH. WE'LL GIVE YOU A COUPLE MINUTES
04:12PM 14 TO LEAVE. WE'LL GIVE THOSE JURORS A COUPLE MOMENTS.

04:13PM 15 (PROSPECTIVE JURY PANEL OUT AT 4:13 P.M.)

04:13PM 16 (PROSPECTIVE JUROR NUMBERS 1, 72, 69, AND 77.)

04:13PM 17 THE COURT: THE RECORD SHOULD REFLECT THAT THE
04:13PM 18 JURORS WHO REMAIN ARE JURORS 1, 72, 69, AND 77.

04:13PM 19 LET ME INDICATE, LADIES AND GENTLEMEN, THANK YOU FOR
04:13PM 20 STAYING. I DON'T THINK THIS WILL TAKE TOO LONG, BUT I'VE
04:14PM 21 TALKED WITH THE LAWYERS AND IN RESPONSE TO MR. COOPERSMITH'S
04:14PM 22 QUESTION REGARDING ANY INDIVIDUALS WHO HAD KNOWLEDGE, KNOWLEDGE
04:14PM 23 OF THE OUTCOME OF THE ELIZABETH HOLMES CASE, I BELIEVE EACH ONE
04:14PM 24 OF YOU RAISED YOUR HAND TO INDICATE THAT YOU DID HAVE KNOWLEDGE
04:14PM 25 ABOUT THAT.

04:14PM 1 WHAT WE'D LIKE TO DO NOW IS ASK YOU SOME QUESTIONS ABOUT
04:14PM 2 THAT KNOWLEDGE. AND, OF COURSE, AS YOU'VE LEARNED THROUGHOUT
04:14PM 3 THE DAY, REALLY THE FOCUS OF THIS IS TO KNOW WHAT IT IS, THE
04:14PM 4 SOURCE OF THAT KNOWLEDGE, AND ALSO TO LET US KNOW THAT
04:14PM 5 KNOWLEDGE, WHAT YOU KNOW ABOUT THE OUTCOME OF THE
04:14PM 6 ELIZABETH HOLMES CASE, WHETHER OR NOT THAT WILL AFFECT YOUR
04:14PM 7 ABILITY TO BE FAIR AND IMPARTIAL IN THIS TRIAL AS MR. BALWANI
04:14PM 8 SITS AS THE ACCUSED.

04:15PM 9 AND I'M CURIOUS TO KNOW, I WANT TO KNOW WHETHER OR NOT
04:15PM 10 WHAT YOU KNEW ABOUT THE HOLMES CASE WILL AFFECT, IMPAIR, OR IN
04:15PM 11 ANY WAY AFFECT YOUR ABILITY TO BE FAIR AND IMPARTIAL TO BOTH
04:15PM 12 SIDES IN THIS CASE. THAT'S MY QUESTION.

04:15PM 13 LET'S START WITH JUROR NUMBER 1.

04:15PM 14 IT MIGHT BE THE BATTERIES.

04:15PM 15 THE CLERK: DOES IT WORK RIGHT NOW?

04:16PM 16 PROSPECTIVE JUROR: TEST, TEST.

04:16PM 17 THE COURT: JUROR NUMBER 1?

04:16PM 18 PROSPECTIVE JUROR: OH, ABOUT THE OTHER TRIAL?

04:16PM 19 THE COURT: YES.

04:16PM 20 PROSPECTIVE JUROR: SO I FOLLOWED THE

04:16PM 21 ELIZABETH HOLMES TRIAL PRIMARILY THROUGH AN UPDATE -- THE

04:16PM 22 WEBSITE IS CALLED ARS TECHNICA, A-R-S T-E-C-H-N-I-C-A. YEAH, I
04:16PM 23 KNOW IT'S A PRETTY NERDY NEWS WEBSITE.

04:16PM 24 ANYWAY, THAT'S WHERE I HAVE BEEN FOLLOWING THE CASE AND
04:16PM 25 THE SAGA PREVIOUS TO IT BECAUSE THEY DO SCIENCE BASED NEWS AND

04:16PM 1 THEY ALSO FOLLOW VALLEY ANTICS FOR LACK OF A BETTER TERM.

04:16PM 2 I ALSO LEARNED THE OUTCOME OF THE TRIAL THROUGH THERE. I

04:16PM 3 KNOW THE OUTCOME OF THAT TRIAL, SHE WAS CONVICTED ON -- I DON'T

04:16PM 4 KNOW ON HOW MANY COUNTS, BUT I KNOW SHE WAS CONVICTED ON A

04:16PM 5 MAJORITY OF THE COUNTS.

04:16PM 6 THE COURT: OKAY. AND THEN GO AHEAD. I'M SORRY.

04:17PM 7 PROSPECTIVE JUROR: AND THIS IS HOW IT AFFECTS MY --

04:17PM 8 THE COURT: YES.

04:17PM 9 PROSPECTIVE JUROR: AND THIS IS WHERE MY BIAS

04:17PM 10 TOWARDS IN THIS PARTICULAR CASE I DON'T THINK -- I HAVE

04:17PM 11 QUESTIONS ABOUT MY ABILITY TO SEPARATE OUT THE BIAS FROM THOSE

04:17PM 12 FACTS BECAUSE AS A CEO AND COO, ESPECIALLY IN A STARTUP,

04:17PM 13 THERE'S VERY LITTLE SPACE BETWEEN THOSE TWO PEOPLE IN THE

04:17PM 14 STARTUP.

04:17PM 15 AT MY PREVIOUS JOB I DID WORK AT A STARTUP, AND THEY JUST

04:17PM 16 SO HAPPENED TO BE A MARRIED COUPLE, AND VERY LITTLE SPACE

04:17PM 17 BETWEEN THE TWO, SO I KNOW HOW CLOSELY THEY HAVE TO WORK

04:17PM 18 TOGETHER AND HOW VERY FEW SECRETS THERE ARE BETWEEN THE TWO.

04:17PM 19 WITH THAT PREVIOUS KNOWLEDGE AND THEIR RELATIONSHIP OR

04:17PM 20 PREEXISTING RELATIONSHIP AND THE NATURE OF THE BUSINESS, I HAVE

04:18PM 21 DOUBTS AS TO WHETHER I CAN SEPARATE OUT THOSE -- THAT FACT FROM

04:18PM 22 THE EVIDENCE IN THIS TRIAL.

04:18PM 23 THE COURT: OKAY. ALL RIGHT. THANK YOU.

04:18PM 24 LET'S HAND THE MICROPHONE DOWN, PLEASE, IF YOU WOULD.

04:18PM 25 THE CLERK: I DON'T THINK HE CAN REACH.

04:18PM 1 THE COURT: THAT'S A LONG REACH.

04:18PM 2 IF YOU COULD SING OUT YOUR JUROR NUMBER AGAIN.

04:18PM 3 PROSPECTIVE JUROR: 69.

04:18PM 4 THE COURT: YES, SIR. YOU HEARD MY QUESTION?

04:18PM 5 PROSPECTIVE JUROR: NOT ENTIRELY. SORRY, SIR.

04:18PM 6 THE COURT: OH, YOU'RE ONE OF THE INDIVIDUALS WHO

04:18PM 7 RAISED YOUR HAND WHEN MR. COOPERSMITH ASKED IF ANYONE HAD

04:18PM 8 KNOWLEDGE OF THE ELIZABETH HOLMES CASE OR SPECIFICALLY THE

04:18PM 9 OUTCOME OF THAT CASE.

04:18PM 10 MY QUESTION IS BASED -- THE SOURCE OF YOUR KNOWLEDGE OF

04:19PM 11 THAT.

04:19PM 12 YOU TOLD US EARLIER WHEN YOU TALKED ABOUT YOUR FAMILY

04:19PM 13 WATCHING AND DOING THOSE THINGS, BUT I ALSO WANT TO KNOW

04:19PM 14 WHETHER OR NOT THAT KNOWLEDGE, WHAT YOU KNOW ABOUT THE CASE, AT

04:19PM 15 LEAST THE ELIZABETH HOLMES CASE, WHETHER OR NOT THAT WILL

04:19PM 16 AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL JUROR IN THIS

04:19PM 17 CASE THIS SEPARATE CASE AS TO MR. BALWANI?

04:19PM 18 THAT'S A SEPARATE QUESTION.

04:19PM 19 PROSPECTIVE JUROR: JUST LIKE THE PREVIOUS QUESTION,

04:19PM 20 I CAN FOLLOW THE INSTRUCTIONS TO SEPARATE THE TWO, BUT, YOU

04:19PM 21 KNOW, I CAN'T HELP BUT BE KIND OF AFFECTED BY THE OUTCOME OF

04:19PM 22 THE OTHER CASE, DEFINITELY.

04:19PM 23 THE COURT: OKAY. AND HOW DO YOU MEAN BE AFFECTED

04:19PM 24 BY IT? HOW WOULD THAT --

04:19PM 25 PROSPECTIVE JUROR: WELL, IT'S A CLOSELY ASSOCIATED

04:19PM 1 CASE AND CONVICTION IN THAT CASE CAN HAVE -- YOU HAVE A
04:19PM 2 PREJUDGMENT OF THINGS. BUT LIKE YOU SAID, I'LL DO MY BEST TO
04:20PM 3 FOLLOW YOUR INSTRUCTION TO SEPARATE THE TWO.

04:20PM 4 THE COURT: WELL, THEY ARE -- THANK YOU. THANK YOU.
04:20PM 5 AND THEY ARE TWO SEPARATE CASES. THE CASES WERE SEPARATE.

04:20PM 6 HER CASE WAS TRIED, AND THE QUESTION AND CONCERN THAT WE
04:20PM 7 ALL HAVE IS BASED ON YOUR KNOWLEDGE OF WHAT HAPPENED THERE,
04:20PM 8 WHETHER OR NOT THAT'S GOING TO CAUSE YOU TO PERHAPS SAY, WELL,
04:20PM 9 THERE WERE VERDICTS IN THAT CASE SO I SHOULD APPLY THOSE SAME
04:20PM 10 VERDICTS TO THIS CASE, AND THAT'S HOW YOU COME TO THE CASE WITH
04:20PM 11 THAT, THAT IDEA.

04:20PM 12 IS THAT SOMETHING THAT YOU WOULD DO OR DO YOU THINK YOU
04:20PM 13 WOULD DO AS A JUROR?

04:20PM 14 PROSPECTIVE JUROR: YEAH, I'LL -- LIKE I SAID, I
04:20PM 15 WILL FOLLOW THE INSTRUCTION, BUT THOSE THINGS ARE VERY
04:20PM 16 UNCONSCIOUSLY BE INFLUENCED, YOU KNOW, BY -- I CAN SAY THAT
04:21PM 17 HAPPEN, BUT I WILL DO MY BEST TO SEPARATE THE TWO.

04:21PM 18 THE COURT: IF THE EVIDENCE IN THE CASE, AT THE END
04:21PM 19 OF THE CASE IF YOU WERE A JUROR, AND AFTER HEARING ALL OF THE
04:21PM 20 EVIDENCE AND WHEN YOU DISCUSS THE CASE WITH YOUR FELLOW JURORS,
04:21PM 21 AND YOU CAME TO THE OPINION THAT YOU DIDN'T THINK THE
04:21PM 22 GOVERNMENT PROVED THEIR CASE IN THIS CASE, YOU THOUGHT THERE
04:21PM 23 WERE GAPS IN THE EVIDENCE OR THEY DIDN'T PROVE THEIR CASE,
04:21PM 24 WOULD YOU BE INCLINED TO THINK, WELL, THEY DIDN'T PROVE THEIR
04:21PM 25 CASE HERE BUT THEY SURE GOT THAT GUILTY VERDICT IN ANOTHER

04:21PM 1 CASE, SO HE MUST BE GUILTY HERE, EVEN THOUGH I DON'T REALLY
04:21PM 2 THINK THEY PROVED IT?

04:21PM 3 DO YOU SEE THE DANGER IN THAT?

04:21PM 4 PROSPECTIVE JUROR: I DO SEE THAT, BUT WHAT I'M
04:21PM 5 SAYING IS, LIKE I SAID, I FOLLOW DETAILED DOCUMENTARY ABOUT THE
04:21PM 6 CASE, I SAW THE LINK OF THE CASES, SO I CAN'T HELP EXPECTING
04:21PM 7 THAT IT WOULD AFFECT HOW I RECEIVED THE EVIDENCE EVEN PRESENTED
04:22PM 8 TO ME. THAT'S WHAT I'M TRYING TO SAY.

04:22PM 9 THE COURT: OKAY.

04:22PM 10 PROSPECTIVE JUROR: THOSE ARE UNCONSCIOUSLY, YOU
04:22PM 11 KNOW.

04:22PM 12 THE COURT: YOU CAN'T, I THINK IT'S BEEN PHRASED,
04:22PM 13 YOU CAN'T UNLEARN SOMETHING.

04:22PM 14 PROSPECTIVE JUROR: ABSOLUTELY, THAT'S WHAT I'M
04:22PM 15 TRYING TO SAY.

04:22PM 16 THE COURT: RIGHT. BUT CAN YOU PUT THAT KNOWLEDGE
04:22PM 17 ASIDE AS YOU TAKE ON A NEW TASK, THAT'S A NEW TASK OF REVIEWING
04:22PM 18 INDEPENDENTLY AND OBJECTIVELY NEW EVIDENCE? CAN YOU DO THAT?

04:22PM 19 PROSPECTIVE JUROR: YEAH, THAT'S WHAT I'M GOING TO
04:22PM 20 DO.

04:22PM 21 WHAT I CAN'T PROMISE IS, YOU KNOW, KNOWING ALL OF THAT IS
04:22PM 22 GOING TO AFFECT HOW I RECEIVE THE EVIDENCE, YOU KNOW, THAT'S
04:22PM 23 THE THING AND THE THING I WANTED TO POINT OUT.

04:22PM 24 THE COURT: OKAY. DO YOU THINK IT WILL AFFECT YOUR
04:22PM 25 ABILITY TO JUDGE THE EVIDENCE AS YOU HEAR IT IN THIS CASE? IS

04:22PM 1 THAT WHAT YOU'RE SAYING, SIR? I'M SORRY, I MAY HAVE
04:22PM 2 MISUNDERSTOOD.

04:23PM 3 PROSPECTIVE JUROR: IT MIGHT. IF YOU COMPARE IT TO
04:23PM 4 SOMEBODY WHO HAS NO KNOWLEDGE ABOUT THE CASE AND ME, THE
04:23PM 5 EVIDENCE MIGHT BE RECEIVED DIFFERENTLY. THAT'S WHAT I'M TRYING
04:23PM 6 TO POINT OUT.

04:23PM 7 THE COURT: I SEE. OKAY. THANK YOU.
04:23PM 8 AND IF YOU CAN HAND THAT.

04:23PM 9 PROSPECTIVE JUROR: 72.

04:23PM 10 THE COURT: YES.

04:23PM 11 PROSPECTIVE JUROR: SO, YOUR HONOR, I JUST WANTED TO
04:23PM 12 BE TRANSPARENT, I HAVEN'T -- IT'S NOT A DETAILED, AND I HAVEN'T
04:23PM 13 BEEN FOLLOWING THE CASE LIKE IN DEPTH, BUT I'M AWARE OF THE
04:23PM 14 STARTUP BECAUSE OF MY INTEREST IN THE MEDICAL FIELD JUST
04:23PM 15 RELATED TO TECHNOLOGY AND THE RESPECT I HAVE FOR DOCTORS I'VE
04:23PM 16 ALWAYS BEEN GENERALLY FOLLOWING. SO I HEARD THIS WAS A STARTUP
04:23PM 17 THAT STARTED THIS TECHNOLOGY AND THEN THIS OUTCOME HAPPENED, SO
04:23PM 18 THAT'S THE ONLY EXTENT OF MY KNOWLEDGE.

04:23PM 19 AS I MENTIONED BEFORE, BECAUSE OF MY DEEP RESPECT FOR THE,
04:24PM 20 YOU KNOW, THE MEDICAL PROFESSION, I DO COME WITH A PRETTY
04:24PM 21 STRONG OPINION -- I DO FEEL A SENSE OF BETRAYAL IF SOMEONE WAS
04:24PM 22 A CONSUMER AND COULD BE A CONSUMER AND SOMETHING LIKE THIS, I
04:24PM 23 DO COME WITH THE OPINION ON THAT ASPECT. SO THAT IS SOMETHING
04:24PM 24 THAT -- I'M NOT SURE IF I WOULD BE AS MUCH AS I WOULD FOLLOW
04:24PM 25 YOUR INSTRUCTION AND ADVICE, I DO COME WITH THAT STRONG OPINION

04:24PM 1 AND ADVOCACY TOWARDS ONE SIDE.

04:24PM 2 THE COURT: I SEE.

04:24PM 3 PROSPECTIVE JUROR: AND HAVING -- FEELING THAT SENSE
04:24PM 4 OF BETRAYAL AND THE TRUST I HAVE IN THE OVERALL SYSTEM IS
04:24PM 5 MAKING ME A LITTLE BIT CONFLICTED AS MUCH AS I WANT TO KEEP
04:24PM 6 THOSE TWO THINGS SEPARATE.

04:24PM 7 THE COURT: OKAY. ALL RIGHT. THANK YOU.

04:24PM 8 PROSPECTIVE JUROR: THAT'S MY STANCE ON THIS.

04:24PM 9 THE COURT: THANK YOU. THANK YOU.

04:24PM 10 AND NOW WE'LL GO BACK TO I THINK IS IT ??

04:24PM 11 PROSPECTIVE JUROR: YES. SO I REITERATE WHAT JUROR
04:25PM 12 NUMBER 1 SAID JUST THAT I KNOW ABOUT THE OUTCOME OF
04:25PM 13 ELIZABETH HOLMES'S TRIAL, AND I'VE WORKED FOR STARTUPS AND I
04:25PM 14 KNOW HOW CLOSELY CONNECTED EVERYBODY IS, CEO, CFO, COO,
04:25PM 15 ET CETERA, ET CETERA. SO THAT'S WHY MY BIAS WAS TOWARDS YOU
04:25PM 16 KNEW MORE OR WAS INVOLVED MORE IN THE TOTAL OPERATIONS OF THE
04:25PM 17 ENTIRE COMPANIES, SO THAT WAS MY BIAS LEANING TOWARDS, YES, HE
04:25PM 18 IS GUILTY.

04:25PM 19 I HAVE NOT HEARD THE EVIDENCE, THOUGH. SO THAT IS
04:25PM 20 SOMETHING THAT I AM WILLING TO LOOK AT OPEN MINDEDLY.

04:25PM 21 IF THE PROSECUTION CANNOT PRESENT A CASE WHERE I FEEL IT'S
04:25PM 22 100 PERCENT FOLLOWING YOUR GUIDELINES THAT HE'S GUILTY, THEN I
04:25PM 23 WOULD MAKE -- MY VOTE WOULD BE FOR NOT GUILTY.

04:26PM 24 SO I THINK I CAN BE IMPARTIAL TO LISTEN TO THE EVIDENCE
04:26PM 25 AND SEE IF, YOU KNOW, WHAT IS PRESENTED AND, YOU KNOW, MAKE MY

04:26PM 1 ASSESSMENT FROM THERE.

04:26PM 2 THE COURT: OKAY. THANK YOU.

04:26PM 3 I'M GOING TO ASK THESE LAWYERS IF THEY HAVE QUESTIONS FOR
04:26PM 4 YOU NOW.

04:26PM 5 MR. SCHENK.

04:26PM 6 MR. SCHENK: NO. THANK YOU. NOTHING FURTHER.

04:26PM 7 THE COURT: MR. COOPERSMITH.

04:26PM 8 MR. COOPERSMITH: THANK YOU, YOUR HONOR.

04:26PM 9 DO YOU MIND IF I STAND HERE, YOUR HONOR?

04:26PM 10 THE COURT: NO, NOT AT ALL.

04:26PM 11 THE CLERK: MR. COOPERSMITH, COULD YOU PULL YOUR
04:26PM 12 MIKE TOWARD YOU?

04:26PM 13 MR. COOPERSMITH: I COULD. THANK YOU.

04:26PM 14 SO THANK YOU FOR STAYING LATE. I'M NOT SURE YOU HAD A
04:26PM 15 CHOICE, BUT THANK YOU ANYWAY.

04:26PM 16 AND LET ME START WITH JUROR NUMBER 1.

04:26PM 17 SO, SIR, CAN YOU TELL ME MORE ABOUT THIS WEBSITE YOU
04:26PM 18 MENTIONED, ARS TECHNICA? I HAVE NOT HAD A CHANCE TO CHECK IT
04:27PM 19 OUT IN THE TIME WE HAVE HAD HERE, BUT CAN YOU TELL ME MORE
04:27PM 20 ABOUT WHAT IT IS LIKE? THANK YOU.

04:27PM 21 PROSPECTIVE JUROR: YES. SO ARS TECHNICA IS A
04:27PM 22 SCIENCE NEWS WEBSITE THAT COVERS TECHNOLOGY. THERE'S SOME
04:27PM 23 PRETTY GOOD SCIENCE REPORTING AS WELL. THEY, LIKE, DO
04:27PM 24 SUMMARIES ON MEDICAL JOURNALS AND NEW TECHNOLOGY, WHITE PAPERS.
04:27PM 25 THEY ALSO REPORT ON TECHNOLOGY LEGISLATION, SO THINGS THAT

04:27PM 1 ARE HAPPENING IN WASHINGTON OR CALIFORNIA AND ALSO THINGS LIKE
04:27PM 2 THE ELIZABETH HOLMES TRIAL BECAUSE IT WAS SUCH A HIGH PROFILE
04:27PM 3 CASE INVOLVING A SILICON VALLEY STARTUP THAT RECEIVED MUCH
04:27PM 4 FANFARE AND "WIRED" MAGAZINE SO MANY YEARS AGO, AND JUST IT WAS
04:28PM 5 A GOOD STORY TO READ, AND IT'S ALSO VERY DIGESTIBLE FOR ME TO
04:28PM 6 FOLLOW ALONG.

04:28PM 7 MR. COOPERSMITH: OKAY. DID THEY COVER THE HOLMES
04:28PM 8 TRIAL PRETTY EXTENSIVELY AT THAT WEBSITE?

04:28PM 9 PROSPECTIVE JUROR: I THINK SO. I REMEMBER READING
04:28PM 10 IT AT LEAST ONCE OR TWICE A WEEK THEY WOULD POST UPDATES TO
04:28PM 11 INCLUDE SUMMARIES OF TESTIMONY IN THE -- DURING THE DAYS.

04:28PM 12 MR. COOPERSMITH: SO WAS IT ONCE OR TWICE A WEEK
04:28PM 13 DURING THE COURSE OF THE WHOLE HOLMES TRIAL THAT THEY REPORTED
04:28PM 14 IT?

04:28PM 15 PROSPECTIVE JUROR: I BELIEVE SO, YES.

04:28PM 16 MR. COOPERSMITH: AND HOW ABOUT BEFORE THE HOLMES
04:28PM 17 TRIAL?

04:28PM 18 PROSPECTIVE JUROR: I DID READ OTHER NEWS ARTICLES
04:28PM 19 REGARDING THE THERANOS INVESTIGATION, SUMMARIES OF -- WELL, I
04:28PM 20 DIDN'T WATCH DOCUMENTARIES OR T.V. SHOWS. I WOULD, LIKE, READ
04:28PM 21 THE REVIEWS ON THOSE SHOWS AND HOW THEY TRACK WITH OTHER
04:28PM 22 TESTIMONIES AND EVIDENCE.

04:28PM 23 MR. COOPERSMITH: OKAY. AND THE AVERAGE STORY ABOUT
04:28PM 24 THE HOLMES TRIAL DURING THE COURSE OF IT, THAT WAS ON
04:29PM 25 ARS TECHNICA, ABOUT HOW LONG WOULD THAT STORY BE? WOULD IT BE

04:29PM 1 A SHORT BLURB OR A LONGER PIECE?

04:29PM 2 PROSPECTIVE JUROR: IT WAS REASONABLY LONG. I WOULD
04:29PM 3 SAY -- I DIDN'T DO A WORD COUNT, BUT IT WOULD TAKE ME ABOUT 10
04:29PM 4 TO 15 MINUTES TO READ.

04:29PM 5 MR. COOPERSMITH: OKAY. SO THERE WAS SOME DETAIL IN
04:29PM 6 THE ARTICLES THAT YOU RECALL?

04:29PM 7 PROSPECTIVE JUROR: CORRECT.

04:29PM 8 MR. COOPERSMITH: DID YOU KIND OF FEEL AS YOU WERE
04:29PM 9 FOLLOWING THAT, YOU KNOW, A COUPLE TIMES A WEEK OR SOMETHING,
04:29PM 10 IT WAS ALMOST LIKE YOU WERE THERE? IS THAT HOW YOU WERE
04:29PM 11 FEELING?

04:29PM 12 PROSPECTIVE JUROR: UM, I WOULDN'T SAY I FELT LIKE I
04:29PM 13 WAS THERE BECAUSE I KNOW -- EVEN THOUGH I NEVER SAT THROUGH A
04:29PM 14 TRIAL, I KNOW HOW LONG IT TAKES. SO 15 MINUTES WITH ME SITTING
04:29PM 15 IN A CHAIR IS NOTHING COMPARED TO BEING THERE, BUT I THINK I
04:29PM 16 GOT A GOOD IDEA OF THE -- I DID FEEL LIKE I HAD A GOOD SUMMARY
04:29PM 17 OF THE EVIDENCE PRESENTED.

04:29PM 18 MR. COOPERSMITH: SO IN THE ARTICLES DID THEY
04:29PM 19 ACTUALLY GO INTO SPECIFIC EVIDENCE THAT WAS PRESENTED DURING
04:29PM 20 THE TRIAL AND THAT SORT OF THING?

04:29PM 21 PROSPECTIVE JUROR: YES.

04:29PM 22 MR. COOPERSMITH: AND THAT WAS INTERESTING TO YOU?

04:30PM 23 PROSPECTIVE JUROR: YES.

04:30PM 24 MR. COOPERSMITH: OKAY. DO YOU AGREE WITH THE
04:30PM 25 VERDICT IN THE HOLMES CASE?

04:30PM 1 PROSPECTIVE JUROR: YES.

04:30PM 2 MR. COOPERSMITH: OKAY. NOTHING FURTHER FOR

04:30PM 3 JUROR 1.

04:30PM 4 IF WE CAN PASS THE MICROPHONE.

04:30PM 5 PROSPECTIVE JUROR: SORRY.

04:30PM 6 MR. COOPERSMITH: THANK YOU. I APPRECIATE IT.

04:30PM 7 WE'LL GO TO 69. THANK YOU, SIR.

04:30PM 8 OKAY. WE WERE TALKING BEFORE ABOUT THIS JUROR 69, AND YOU

04:30PM 9 WERE TELLING ME THAT YOU AND YOUR FAMILY WERE GETTING PRETTY

04:30PM 10 DEEPLY INVOLVED IN READING AND WATCHING THINGS ABOUT THE

04:30PM 11 THERANOS CASE; IS THAT RIGHT?

04:30PM 12 PROSPECTIVE JUROR: CORRECT.

04:30PM 13 MR. COOPERSMITH: AND IF YOU COULD REMIND ME, WHAT

04:30PM 14 WAS THE PRIMARY SOURCE? I THINK YOU SAID IT WAS A DOCUMENTARY

04:30PM 15 THAT YOU WATCHED?

04:30PM 16 PROSPECTIVE JUROR: YES. IT WAS AN HBO DOCUMENTARY

04:30PM 17 CALLED "OUT FOR BLOOD."

04:31PM 18 MR. COOPERSMITH: OKAY.

04:31PM 19 PROSPECTIVE JUROR: SO WE WATCHED IT A FEW TIMES AND

04:31PM 20 THAT'S WHAT I SAID.

04:31PM 21 MR. COOPERSMITH: OKAY. WAS IT THE "OUT FOR BLOOD"

04:31PM 22 DOCUMENTARY THAT ACTUALLY REPORTED THE INFORMATION ABOUT HOLMES

04:31PM 23 VERDICT?

04:31PM 24 PROSPECTIVE JUROR: NO, BECAUSE IT CAME PRIOR. 2019

04:31PM 25 I THINK IS WHEN IT CAME FIRST.

04:31PM 1 MR. COOPERSMITH: RIGHT.

04:31PM 2 PROSPECTIVE JUROR: BUT LIKE I SAID, A VERY DETAILED
04:31PM 3 ACCOUNT OF THE COMPANY STARTED TO COLLAPSE, AND SO THAT KIND OF
04:31PM 4 PEAKED OUR INTEREST AND FOLLOWED THE POSTPONEMENT OF THE TRIAL
04:31PM 5 A FEW TIMES OF ELIZABETH HOLMES.

04:31PM 6 AND WHEN IT STARTED, YOU KNOW, WE DIDN'T FOLLOW EVERYTHING
04:31PM 7 BUT WE KEPT UP, YOU KNOW, UP TO THE CONVICTION.

04:31PM 8 MR. COOPERSMITH: AND WHAT WAS YOUR SOURCE OF NEWS
04:31PM 9 OR OTHER INFORMATION ABOUT THE ACTUAL OUTCOME?

04:31PM 10 PROSPECTIVE JUROR: T.V. CHANNELS AND ONLINE NEWS
04:31PM 11 JUST COMMENTING ON.

04:31PM 12 MR. COOPERSMITH: AND WHEN YOU HEARD ABOUT THAT
04:31PM 13 OUTCOME, DID YOU THEN SORT OF SEEK OUT OTHER INFORMATION TO
04:32PM 14 LEARN MORE ABOUT IT OR ANYTHING LIKE THAT?

04:32PM 15 PROSPECTIVE JUROR: WE JUST -- WHATEVER CAME OUT, WE
04:32PM 16 DISCUSSED IT AND TALKED ABOUT IT, BUT THAT'S ABOUT IT.

04:32PM 17 MR. COOPERSMITH: OKAY. AND HAVING FOLLOWED THE
04:32PM 18 CASE AND WATCHING "OUT FOR BLOOD," DO YOU AGREE WITH THE
04:32PM 19 VERDICT AS YOU KNOW IT?

04:32PM 20 PROSPECTIVE JUROR: I DO.

04:32PM 21 MR. COOPERSMITH: OKAY. JUROR 72, IF YOU COULD PASS
04:32PM 22 IT RIGHT OVER. THANK YOU.

04:32PM 23 I THINK YOU SAID THAT YOU FOLLOWED THE CASE AS WELL, THE
04:32PM 24 HOLMES CASE; IS THAT RIGHT?

04:32PM 25 PROSPECTIVE JUROR: NOT IN DETAIL. NOT IN DEPTH

04:32PM 1 COMPARED TO MY OTHER COLLEAGUES HERE, JUST THE START AND THE
04:32PM 2 END.

04:32PM 3 MR. COOPERSMITH: OKAY. AND WHAT WAS YOUR PRIMARY
04:32PM 4 SOURCE OF INFORMATION ABOUT THE CASE?

04:32PM 5 PROSPECTIVE JUROR: IT WAS JUST, I THINK, YOU KNOW,
04:32PM 6 NEWS, SOCIAL MEDIA, AND ONLINE, JUST THE NEWS.

04:32PM 7 AND ALSO JUST GENERAL INTEREST IN MEDICAL TECHNOLOGY AND
04:33PM 8 TRYING TO SEE WHAT STARTUPS ARE DOING WHAT KIND OF DEVICE
04:33PM 9 TECHNOLOGY.

04:33PM 10 MR. COOPERSMITH: OKAY. AND WHEN YOU DID LOOK AT
04:33PM 11 INFORMATION ABOUT THE THERANOS CASE, WAS IT SOMETHING THAT YOU
04:33PM 12 WERE SEEKING OUT OR DID IT COME ACROSS YOUR SCREEN?

04:33PM 13 PROSPECTIVE JUROR: IT CAME ACROSS MY SCREEN, AND I
04:33PM 14 READ IT MORE TO SEE WHAT IS THIS THING AND TO UNDERSTAND WHAT
04:33PM 15 THE TECHNOLOGY IS ABOUT.

04:33PM 16 MR. COOPERSMITH: AND BECAUSE OF YOUR FIELD, IT
04:33PM 17 HAD -- HAD HELD SOME INTEREST FOR YOU; IS THAT FAIR?

04:33PM 18 PROSPECTIVE JUROR: NOT BECAUSE OF THE FIELD, BUT
04:33PM 19 JUST IN GENERAL, YOU KNOW, I -- MY INTEREST AND MY, YOU KNOW,
04:33PM 20 THE MEDICAL CONDITIONS, MYSELF, MY FAMILY MEMBERS, AND JUST MY
04:33PM 21 GENERAL INTEREST IN THE MEDICAL FIELD, THE TECHNOLOGY FIELD AND
04:33PM 22 MEDICINE IN GENERAL, THIS WAS A TOPIC FOR ME AND INTEREST ALL
04:33PM 23 OF MY LIFE.

04:33PM 24 MR. COOPERSMITH: OKAY. SO BASED ON THAT
04:33PM 25 INFORMATION THAT YOU REVIEWED, DID YOU HAVE AN OPINION OR DO

04:33PM 1 YOU STILL HOLD AN OPINION ABOUT THERANOS AND MS. HOLMES'S AND
04:33PM 2 MR. BALWANI?

04:33PM 3 PROSPECTIVE JUROR: I DON'T KNOW. I DON'T THINK SO.

04:33PM 4 MR. COOPERSMITH: YOU DON'T HAVE AN OPINION?

04:34PM 5 PROSPECTIVE JUROR: WELL, I DID -- I WAS A LITTLE
04:34PM 6 DISAPPOINTED TO HEAR THAT THINGS DID NOT, YOU KNOW -- THE WAY
04:34PM 7 THINGS -- ALL OF THESE, UM, UM ISSUES THAT HAPPENED WITH THE
04:34PM 8 COMPANY AND IT WAS JUST DISAPPOINTING THAT, YOU KNOW, SOMETHING
04:34PM 9 IS THERE FOR THE ADVANCEMENT OF MEDICAL TECHNOLOGY AND MEDICINE
04:34PM 10 AND ALL OF THAT STUFF AND WE'RE NOT GETTING WHAT WE COULD BE
04:34PM 11 GETTING, AND SO THAT WAS DISAPPOINTING FOR ME.

04:34PM 12 MR. COOPERSMITH: I SEE. YOU WERE DISAPPOINTED THAT
04:34PM 13 THE COMPANY DIDN'T SUCCEED?

04:34PM 14 PROSPECTIVE JUROR: YEAH, YEAH. JUST THE WHOLE
04:34PM 15 CONCEPT OF TRYING TO DO SOMETHING, AND WE HAVE COVID VACCINES
04:34PM 16 AND THINGS ARE HAPPENING AND IF I FIND OUT TOMORROW THAT IT'S
04:34PM 17 NOT WHAT IT'S SUPPOSED TO BE, IT FEELS LIKE A BETRAYAL. THAT'S
04:34PM 18 IT.

04:34PM 19 MR. COOPERSMITH: OKAY. AND WHEN YOU SAY
04:34PM 20 "BETRAYAL," CAN YOU TELL ME WHY YOU FEEL THAT? WHAT IS THE
04:34PM 21 BETRAYAL EXACTLY?

04:34PM 22 PROSPECTIVE JUROR: BECAUSE I TRUST DOCTORS,
04:34PM 23 MEDICINE, AND DOCTORS, AND ANYTHING RELATED TO MEDICAL
04:34PM 24 TECHNOLOGY WITH MY LIFE, AND SO IF THERE IS SOMETHING THAT IS
04:35PM 25 HAPPENING FOR THE BETTERMENT OF OUR HEALTH AND OUR LIFE AND

04:35PM 1 EVERYTHING, AND THOSE VERY PEOPLE ARE DEFRAUDING THE SYSTEM OR
04:35PM 2 CREATING ISSUES, THAT'S CONCERNING FOR ME. IT'S AN OPINION --
04:35PM 3 I WILL HAVE AN OPINION ABOUT IT. I WILL NOT TRUST THEM.

04:35PM 4 MR. COOPERSMITH: AND IS THAT WHAT YOU THINK
04:35PM 5 HAPPENED?

04:35PM 6 PROSPECTIVE JUROR: YEAH.

04:35PM 7 MR. COOPERSMITH: OKAY. AND HAVING LEARNED THAT
04:35PM 8 THERE WAS AN OUTCOME IN THE HOLMES CASE, DO YOU AGREE WITH THE
04:35PM 9 OUTCOME?

04:35PM 10 PROSPECTIVE JUROR: IT WAS CONSISTENT, LIKE
04:35PM 11 SOMETHING HAPPENED AND IT WAS PROVEN IN THE COURT OF LAW. SO
04:35PM 12 THAT JUST MAKES ME EVEN MORE SKEPTICAL.

04:35PM 13 MR. COOPERSMITH: OKAY. THANK YOU.

04:35PM 14 LAST BUT NOT LEAST, JUROR NUMBER 77.

04:35PM 15 THANK YOU FOR TAKING THE MICROPHONE AGAIN.

04:35PM 16 TELL ME, WHAT WAS AGAIN YOUR PRIMARY SOURCE OF
04:35PM 17 INFORMATION, ESPECIALLY HOW YOU LEARNED ABOUT THE OUTCOME IN
04:35PM 18 THE HOLMES CASE?

04:36PM 19 PROSPECTIVE JUROR: NEWS SOURCES. IT WOULD HAVE
04:36PM 20 BEEN ONLINE, CNN, "NEW YORK TIMES," "THE WALL STREET JOURNAL,"
04:36PM 21 IT WAS BLASTED ALL OVER THE NEWS CHANNELS AND ABC.

04:36PM 22 MR. COOPERSMITH: AND DID YOU GLANCE IN THE
04:36PM 23 HEADLINES IN THE WRITTEN MEDIA OR DID YOU ACTUALLY READ THE
04:36PM 24 ARTICLES?

04:36PM 25 PROSPECTIVE JUROR: FOR THIS PART MOSTLY GLANCED AT

04:36PM 1 THE HEADLINES AND KIND OF SAW THAT THE VERDICT HAD COME IN AND
04:36PM 2 THAT IT WAS GUILTY.

04:36PM 3 MR. COOPERSMITH: OKAY.

04:36PM 4 PROSPECTIVE JUROR: I COULDN'T GIVE YOU ON ALL
04:36PM 5 COUNTS.

04:36PM 6 MR. COOPERSMITH: OKAY. AND DID YOU FOLLOW THE
04:36PM 7 TRIAL AS IT WAS GOING ON LAST YEAR?

04:36PM 8 PROSPECTIVE JUROR: I DID NOT.

04:36PM 9 MR. COOPERSMITH: YOU DIDN'T?
04:36PM 10 YOU DIDN'T GET ANY UPDATES AT ALL WHILE THE TRIAL WAS
04:36PM 11 GOING ON?

04:36PM 12 PROSPECTIVE JUROR: I THINK A FEW BLURBS HERE AND
04:36PM 13 THERE, BUT IT WASN'T ANYTHING THAT I WAS FOCUSSED ON.

04:36PM 14 MR. COOPERSMITH: OKAY. WHEN YOU HEARD ABOUT THE
04:36PM 15 VERDICT, DID YOU TALK ABOUT IT WITH OTHER PEOPLE?

04:36PM 16 PROSPECTIVE JUROR: MY HUSBAND AND I MAY HAVE
04:36PM 17 MENTIONED IT IN PASSING, BUT NOTHING --

04:36PM 18 MR. COOPERSMITH: OKAY.

04:36PM 19 PROSPECTIVE JUROR: -- EXTENSIVE.

04:36PM 20 MR. COOPERSMITH: DO YOU RECALL WHETHER YOU
04:37PM 21 EXPRESSED AN OPINION ABOUT HOW YOU FELT ABOUT IT OR ANYTHING
04:37PM 22 LIKE THAT?

04:37PM 23 PROSPECTIVE JUROR: I THINK WE BOTH SAID THAT SHE
04:37PM 24 WAS FOUND GUILTY, AND WE SAID WE AGREED WITH THE VERDICT.

04:37PM 25 MR. COOPERSMITH: OKAY. THANK YOU.

04:37PM 1 I HAVE NOTHING FURTHER ON THIS TOPIC.

04:37PM 2 THE COURT: I'M CURIOUS, HOW CAN EACH OF YOU SAY YOU
04:37PM 3 AGREE WITH THE VERDICT? IS THAT BASED ON JUST WHAT YOU'VE
04:37PM 4 READ?

04:37PM 5 YOU WEREN'T JURORS IN THE CASE, I KNOW THAT. BUT WHEN YOU
04:37PM 6 SAY YOU AGREE WITH THE VERDICT, IS THAT BASED ON JUST PERSONAL
04:37PM 7 OPINIONS OR YOU AGREE WITH WHAT YOU READ, OR WHAT IS THE BASIS
04:37PM 8 OF THAT? JUROR NUMBER 77, YOU HAVE THE MIKE.

04:37PM 9 PROSPECTIVE JUROR: IT'S BASED ON THE NATURE OF THE
04:37PM 10 MEDICAL DEVICE STARTUP, AND WHEN I FIRST LEARNED ABOUT
04:37PM 11 ELIZABETH HOLMES I SAW THIS GREAT STORY ABOUT HER AND WHAT SHE
04:37PM 12 WAS TRYING TO DO, ET CETERA, ET CETERA, AND THEN I HAD READ
04:37PM 13 STORIES THAT IT WAS STARTING TO UNRAVEL AND SO IT PEAKED MY
04:37PM 14 INTEREST.

04:37PM 15 IT WAS VERY DISAPPOINTING BECAUSE I THOUGHT AT THE TIME
04:37PM 16 THE TECHNOLOGY WAS REALLY GREAT.

04:38PM 17 SO I DIDN'T DELVE INTO IT. I WASN'T LOOKING FOR
04:38PM 18 INFORMATION 24/7, BUT I WOULD HEAR BLURBS, AND THEN I WOULD
04:38PM 19 HEAR THAT SHE WAS GOING TO TRIAL.

04:38PM 20 AND THAT I WATCHED A LITTLE BIT OF THE RECAP OF THE TRIAL
04:38PM 21 I THINK ON CNN, OR SOMETHING, AND I GUESS I'M BASING MY OPINION
04:38PM 22 ON MY EXPERIENCE IN A MEDICAL DEVICE STARTUP AND STARTUPS IN
04:38PM 23 GENERAL AND KIND OF THE RELATIONSHIPS AND SOME OF THE EVIDENCE
04:38PM 24 THAT I'VE HEARD, AND THEN THE GUILTY VERDICT, AND IT JUST FELL
04:38PM 25 IN LINE WITH KIND OF WHAT I KNOW ABOUT HOW STARTUPS RUN,

04:38PM 1 ET CETERA, ET CETERA, AND I JUST AGREED WITH THE OUTCOME.

04:38PM 2 THE COURT: OKAY. AND WHY WOULD YOU SAY YOU
04:38PM 3 DISAGREE WITH THE VERDICT OR WHY WOULD YOU -- CAN YOU TELL ME
04:38PM 4 THAT? WHAT WOULD BE YOUR OPINION ABOUT DISAGREEING WITH A
04:38PM 5 VERDICT? WHAT WOULD IT CAUSE YOU TO, JUST BASED ON WHAT YOU
04:38PM 6 KNOW, WHAT WOULD YOU THINK WOULD CAUSE YOU TO DISAGREE WITH A
04:39PM 7 VERDICT IN THAT CASE?

04:39PM 8 DO YOU UNDERSTAND MY QUESTION?

04:39PM 9 PROSPECTIVE JUROR: I GUESS. I DON'T KNOW. I GUESS
04:39PM 10 FROM THE EVIDENCE I HAD HEARD AND I HAD READ I JUST AGREED WITH
04:39PM 11 THE OUTCOME.

04:39PM 12 THE COURT: OKAY. SO THE SOURCE OF THE UNIVERSE OF
04:39PM 13 YOUR INFORMATION WAS WHAT YOU TOLD US, AND BASED ON THAT YOU
04:39PM 14 AGREE WITH THE OUTCOME?

04:39PM 15 PROSPECTIVE JUROR: YES.

04:39PM 16 THE COURT: AND INCLUDING THERE WERE SOME NOT GUILTY
04:39PM 17 VERDICTS, DID YOU AGREE WITH THOSE?

04:39PM 18 PROSPECTIVE JUROR: THAT I DID NOT REALLY PAY
04:39PM 19 ATTENTION TO.

04:39PM 20 THE COURT: OKAY. I SEE. THANK YOU.

04:39PM 21 COULD YOU -- I'M JUST CURIOUS ABOUT ANSWERS TO THAT
04:39PM 22 QUESTION.

04:39PM 23 JUROR 7 -- EXCUSE ME, 69 IS IT? YES.

04:39PM 24 PROSPECTIVE JUROR: YES, SIR.

04:39PM 25 WHAT WAS THE QUESTION?

04:39PM 1 THE COURT: WELL, I'M CURIOUS, YOU WERE NOT JURORS
04:39PM 2 IN THE CASE, AND YOU SAID -- YOU TOLD US YOU AGREED WITH THE
04:40PM 3 VERDICTS.

04:40PM 4 AND IS THAT BASED JUST ON THE INFORMATION, THE WATCHING
04:40PM 5 AND THE LISTENING TO NEWS? IS THAT WHAT THAT WAS BASED ON?

04:40PM 6 PROSPECTIVE JUROR: CORRECT.

04:40PM 7 THE COURT: I SEE.

04:40PM 8 PROSPECTIVE JUROR: I MEAN, I LEARNED A GREAT DEAL
04:40PM 9 THAT SHE WAS OVERSEEING, YOU KNOW, I MEAN, A BIG DECEIT
04:40PM 10 BASICALLY GOING ON. SHE WAS OVERSEEING DECEITFUL LAB RESULTS
04:40PM 11 AND TESTS BEING DONE ON A DIFFERENT MACHINE AND BEING REPORTED
04:40PM 12 ON BEING DONE ON A NEW MACHINE AND ALL OF THAT AND ENDANGERING
04:40PM 13 PEOPLE'S LIVES.

04:40PM 14 THE COURT: YES, THESE ARE THINGS THAT YOU READ
04:40PM 15 ABOUT IN THE MEDIA?

04:40PM 16 PROSPECTIVE JUROR: YES, ABSOLUTELY.

04:40PM 17 THE COURT: I SEE.

04:40PM 18 PROSPECTIVE JUROR: I WASN'T PART OF THE JURY, BUT
04:40PM 19 THAT INDICATES, YOU KNOW, GUILT.

04:40PM 20 THE COURT: I SEE.

04:40PM 21 PROSPECTIVE JUROR: WHETHER IT'S THE SAME INDICTMENT
04:40PM 22 OR NOT, I'M NOT SURE ABOUT THAT.

04:40PM 23 THE COURT: YEAH. OKAY. NO.

04:40PM 24 PROSPECTIVE JUROR: THAT'S WHY I AGREE WITH THE --

04:40PM 25 THE COURT: BASED ON WHAT YOU SAW, YOU READ, AND YOU

04:41PM 1 HEARD.

04:41PM 2 IS THERE ANY WAY THAT BASED ON WHAT YOU SAW, HEARD, OR
04:41PM 3 READ, THAT YOU THINK SHE WAS NOT GUILTY OR YOU COULD SAY SHE'S
04:41PM 4 NOT GUILTY?

04:41PM 5 PROSPECTIVE JUROR: WELL, WHAT WAS PRESENTED, YOU
04:41PM 6 KNOW, START TO FINISH WAS OVERWHELMING EVIDENCE. YOU KNOW, THE
04:41PM 7 STORIES MADE SENSE FROM THE START.

04:41PM 8 THE COURT: I SEE.

04:41PM 9 PROSPECTIVE JUROR: AND IT'S VERY HARD TO.

04:41PM 10 THE COURT: I SEE.

04:41PM 11 SAME QUESTION FOR 72.

04:41PM 12 PROSPECTIVE JUROR: I THINK FOR ME IT'S NOT ONE
04:41PM 13 INDIVIDUAL BUT THE ENTIRE SYSTEM, THE ENTIRE ECOSYSTEM OF THE
04:41PM 14 SITUATION OF THIS CASE.

04:41PM 15 PROBABLY A LITTLE BIT MORE EMOTION DRIVEN THAN LOGIC, I
04:41PM 16 MUST CONFESS BECAUSE I HAD CERTAIN EXPECTATIONS FROM THE
04:41PM 17 UPHOLDERS OF OUR SOCIETY, WHETHER IT BE LAW OR MEDICINE OR
04:41PM 18 ANYTHING ELSE.

04:41PM 19 SO FOR ME THE FACT THAT THIS EVEN HAPPENED AND PEOPLE'S
04:41PM 20 TRUST WAS BROKEN AND MORE IMPORTANTLY TAMPERING WITH LIKE TEST
04:42PM 21 RESULTS AND IS SOMETHING UNACCEPTABLE, ESPECIALLY --

04:42PM 22 THE COURT: AND YOUR KNOWLEDGE OF THIS IS FROM WHAT
04:42PM 23 YOU'VE READ?

04:42PM 24 PROSPECTIVE JUROR: YEAH. AGAIN, TO BE COMPLETELY
04:42PM 25 HONEST, I DIDN'T -- I WAS EXCITED ABOUT A DEVICE STARTUP,

04:42PM 1 THAT'S EXCITING, RIGHT?

04:42PM 2 ALL OF THE TIME WE LIVE IN SILICON VALLEY, AND WE'RE LUCKY
04:42PM 3 TO HAVE SUCH TECHNOLOGIES COME UP HERE, BUT THEN THE EMOTIONAL
04:42PM 4 ASPECT OF MY TRUST IN, YOU KNOW THE -- TO TAKE SOMETHING THAT
04:42PM 5 PEOPLE TRUST IMPLICITLY, MEDICAL STUFF, IT'S THE PRINCIPLE OF
04:42PM 6 IT FOR ME.

04:42PM 7 SO IT'S HARD FOR ME TO -- EVEN IF I WERE GIVEN ALL OF THE
04:42PM 8 EVIDENCE, THERE HAS TO BE SOMETHING, HOW CAN SOMETHING LIKE
04:42PM 9 THIS JUST COME UP.

04:42PM 10 THE COURT: ALL RIGHT. THANK YOU.

04:42PM 11 PROSPECTIVE JUROR: YEAH.

04:42PM 12 THE COURT: JUROR NUMBER 1, WHAT IS YOUR SOURCE? I
04:42PM 13 THINK YOU CAN PERHAPS JUST SPEAK AND WE'LL -- WHILE IT GETS TO
04:42PM 14 YOU.

04:42PM 15 PROSPECTIVE JUROR: SO LIKE --

04:43PM 16 THE COURT: WHAT IS YOUR SOURCE OF INFORMATION? AND
04:43PM 17 IS YOUR OPINION THAT YOU AGREE WITH THE VERDICT JUST BASED ON
04:43PM 18 WHAT YOU READ THAT YOU'VE TOLD US? IS THAT --

04:43PM 19 PROSPECTIVE JUROR: YEAH. SO AS I KIND OF ALLUDED
04:43PM 20 TO YOU EARLIER, THE ARS TECHNICA PIECES AND SOME OTHER
04:43PM 21 SMATTERING OF NEWS SOURCES WOULD PRESENT PIECES OF EVIDENCE, I
04:43PM 22 THINK WALGREENS ISSUED SUIT, THERE'S FALSIFIED DOCUMENTS THAT
04:43PM 23 WERE INTRODUCED. KIND OF FACTUAL THINGS THAT WERE INTRODUCED,
04:43PM 24 THAT WERE INTRODUCED TO ME THROUGH THESE NEWS ARTICLES, AND I
04:43PM 25 ASSESSED MY JUDGMENT, AND KNOWING HOW STARTUPS WORK AND KIND OF

04:43PM 1 THIS -- HOW THEY'RE FUNDED IS VERY BOTTLENECKED. IT'S NOT A
04:43PM 2 BIG -- IT'S NOT LIKE GOING TO A BANK AND PEOPLE SIGN OFF.

04:43PM 3 THE COURT: SURE.

04:43PM 4 PROSPECTIVE JUROR: IT'S PEOPLE MAKING HANDSHAKE
04:44PM 5 DEALS AND WIRING MONEY TO EACH OTHER.

04:44PM 6 SO UNDERSTANDING HOW THAT SYSTEM WORKS ALONG WITH AND
04:44PM 7 JUDGING THE EVIDENCE AS PRESENTED THROUGH THESE ARTICLES, I
04:44PM 8 AGREED WITH THE VERDICT.

04:44PM 9 IF IT CAME TO THE POINT THAT THERANOS WAS THIS HUGE
04:44PM 10 CORPORATION AND SEVERAL SUBDIVISIONS AND ONE SUBDIVISION WAS
04:44PM 11 RESPONSIBLE FOR THIS -- FOR THE FRAUD AND THAT, YOU KNOW,
04:44PM 12 MR. BALWANI AND MS. THERANOS -- MS. HOLMES WERE ABOVE THAT
04:44PM 13 LEVEL, AND WHERE THEY CAN HAVE PLAUSIBLE DENIABILITY OF WHAT
04:44PM 14 THEIR DIVISION WAS DOING, MAYBE I COULD SAY I WOULDN'T AGREE
04:44PM 15 WITH THE VERDICT.

04:44PM 16 BUT BECAUSE THERANOS IS STRUCTURED AS A STARTUP WITH A
04:44PM 17 SINGLE, NO SUBDIVISIONS TO SPEAK OF, JUST ONE OR TWO PEOPLE AT
04:44PM 18 THE TOP WITH A BOARD OF DIRECTORS WHO ARE BEING FED
04:44PM 19 INFORMATION, IT'S HARD FOR ME TO SAY MR. BALWANI AND MS. HOLMES
04:45PM 20 DIDN'T KNOW WHAT THE HELL WAS GOING ON.

04:45PM 21 THE COURT: OKAY. THANK YOU.

04:45PM 22 LET ME ASK THIS QUESTION -- WE'VE TALKED THE BETTER PART
04:45PM 23 OF THE DAY AND IT'S QUARTER TO 5:00, AND I'M GOING TO LET YOU
04:45PM 24 GO NOW, AND I REALLY APPRECIATE YOUR PATIENCE, AND ON BEHALF OF
04:45PM 25 THESE LAWYERS I EXTEND THEIR GRATITUDE AS WELL. IT'S BEEN A

04:45PM 1 LONG DAY.

04:45PM 2 YOU GOT HERE THIS MORNING AT 8:00 O'CLOCK THIS MORNING I'M
04:45PM 3 TOLD, AND I APPRECIATE YOUR FIDELITY TO THE SUMMONS AND COMING
04:45PM 4 TO COURT AND YOUR DESIRE TO SERVE AND YOUR SYSTEM OF JUSTICE.
04:45PM 5 I'M GRATEFUL FOR THAT, AND I KNOW THESE LAWYERS ARE AS WELL.

04:45PM 6 BUT LET ME JUST ASK YOU, BASED ON EVERYTHING WE TALKED
04:45PM 7 ABOUT TODAY, AND MORE CRITICALLY THE RECENT CONVERSATION WITH
04:45PM 8 THE FOUR OF YOU, AND I'M GOING TO ASK A SHOW OF HANDS, BASED ON
04:45PM 9 WHAT YOU'VE SAID, I'D LIKE TO KNOW THOSE OF YOU WHO FEEL THAT
04:45PM 10 YOU CANNOT BE FAIR TO MR. BALWANI IN THIS CASE.

04:45PM 11 SHOW ME YOUR HANDS.

04:45PM 12 THE RECORD WILL REFLECT THAT EACH OF THESE JURORS HAVE
04:46PM 13 RAISED THEIR HAND IN RESPONSE TO THAT QUESTION.

04:46PM 14 AND IS THAT, YOUR ANSWERS, ARE THOSE BASED ON WHAT WE
04:46PM 15 TALKED ABOUT JUST A MOMENT AGO IN THIS CONVERSATION, OR IS IT
04:46PM 16 THE TOTALITY OF THE CONVERSATIONS THAT WE TALKED ABOUT TODAY?
04:46PM 17 BOTH OF THOSE.

04:46PM 18 PROSPECTIVE JUROR: I WOULD SAY IT'S A TOTALITY OF
04:46PM 19 THE CONVERSATION.

04:46PM 20 PROSPECTIVE JUROR: SAME.

04:46PM 21 PROSPECTIVE JUROR: SAME.

04:46PM 22 PROSPECTIVE JUROR: SAME.

04:46PM 23 THE COURT: SAME ??

04:46PM 24 PROSPECTIVE JUROR: SAME.

04:46PM 25 THE COURT: 69?

04:46PM 1 PROSPECTIVE JUROR: SAME.

04:46PM 2 THE COURT: OKAY. THANK YOU.

04:46PM 3 MR. SCHENK, ANY OTHER QUESTIONS FOR THESE JURORS?

04:46PM 4 MR. SCHENK: NO, YOUR HONOR.

04:46PM 5 THE COURT: ANY OTHER QUESTIONS FOR THESE JURORS,

04:46PM 6 MR. COOPERSMITH?

04:46PM 7 MR. COOPERSMITH: NO, YOUR HONOR.

04:46PM 8 THE COURT: YOU CAN GO NOW. THANK YOU VERY MUCH. I

04:46PM 9 APPRECIATE YOUR PATIENTS.

04:47PM 10 (PROSPECTIVE JURORS OUT AT 4:47 P.M.)

04:47PM 11 THE COURT: PLEASE BE SEATED. THE RECORD SHOULD

04:47PM 12 REFLECT ALL FOUR JURORS, 1, 69, 72, 77 HAVE ALL LEFT AND COURT

04:47PM 13 AND COUNSEL ARE PRESENT.

04:47PM 14 WHAT SHOULD WE DO NEXT?

04:47PM 15 MR. COOPERSMITH: YOUR HONOR, WITH THOSE FOUR JURORS

04:47PM 16 THAT WE JUST SPOKE TO, WE BELIEVE THEY SHOULD BE DISMISSED FOR

04:47PM 17 CAUSE. THAT WOULD ALSO OBTAIN THE NEED OF TALKING ABOUT THREE

04:47PM 18 OF THE --

04:47PM 19 THE COURT: WHY DON'T YOU COME TO THE LECTERN.

04:47PM 20 MR. COOPERSMITH: THE PROBLEM IS I MOVED THE

04:47PM 21 MICROPHONE. YES, YOUR HONOR.

04:47PM 22 WHAT I WAS SAYING, YOUR HONOR, IS BASED ON THE

04:47PM 23 CONVERSATION THAT WE JUST HAD WITH JURORS 1, 72, 69, AND 77, I

04:47PM 24 BELIEVE THAT THEY SHOULD BE EXCUSED FOR CAUSE. THAT WOULD ALSO

04:47PM 25 OBTAIN THE NEED TO HAVE FURTHER DISCUSSIONS WITH THREE OF

04:47PM 1 THOSE FOUR, WHICH WERE 1, 69, AND 77, ABOUT THE RELATIONSHIP
04:48PM 2 ISSUE, THE ABUSE ISSUE.

04:48PM 3 BUT OUR MOTION FOR THOSE FOUR IS TO DISMISS -- EXCUSE ALL
04:48PM 4 OF THEM FOR CAUSE.

04:48PM 5 THE COURT: OKAY. THANK YOU.

04:48PM 6 MR. SCHENK.

04:48PM 7 MR. SCHENK: NO OBJECTION.

04:48PM 8 THE COURT: THANK YOU. THOSE JURORS WILL BE EXCUSED
04:48PM 9 FOR CAUSE. THANK YOU.

04:48PM 10 AND THANKS FOR ALLOWING US TO CALL THEM. THEIR ANSWERS
04:48PM 11 WERE SUCH THAT I GRANT THE MOTION. THANK YOU.

04:48PM 12 MR. COOPERSMITH: THANK YOU, YOUR HONOR.

04:48PM 13 THE COURT: TOMORROW WE HAVE THE BALANCE. LET'S
04:48PM 14 SEE, I THINK WE HAVE PANEL 2 COMING IN.

04:48PM 15 THE CLERK: CORRECT.

04:48PM 16 THE COURT: AT 9:30.

04:48PM 17 THE CLERK: AT 9:30.

04:48PM 18 THE COURT: CORRECT. WHAT ARE YOUR THOUGHTS ABOUT
04:48PM 19 THE OTHERS FROM THIS PANEL, THE FIRST PANEL THAT I THINK
04:48PM 20 REGARDING THE RELATIONSHIP QUESTION.

04:48PM 21 MR. COOPERSMITH: RIGHT, YOUR HONOR.

04:48PM 22 THAT WOULD LEAVE -- I HAVE THE NUMBERS IN FRONT OF ME IF
04:48PM 23 THAT WOULD HELP THE COURT TO READ THEM OUT, BUT THOSE JURORS WE
04:48PM 24 WOULD ALSO THINK THAT A SIMILAR EXERCISE THAT WE JUST WENT
04:49PM 25 THROUGH WOULD BE BENEFICIAL.

04:49PM 1 OBVIOUSLY THERE'S A SCHEDULING ISSUE WITH THAT I'M AWARE
04:49PM 2 OF.

04:49PM 3 BUT WE WOULD LIKE TO DO THAT. WHENEVER THE COURT WOULD
04:49PM 4 LIKE TO. I THINK IT HAS TO BE DONE PRIOR TO THE TIME THAT THE
04:49PM 5 PARTIES HAVE TO EXERCISE PREEMPTORIES.

04:49PM 6 THE COURT: SURE, SURE.

04:49PM 7 MR. SCHENK, ANY THOUGHTS?

04:49PM 8 MR. SCHENK: YOUR HONOR, I THINK THE GOVERNMENT
04:49PM 9 WOULD BENEFIT FROM HEARING THE VOIR DIRE THAT OCCURS TOMORROW.

04:49PM 10 OUR CURRENT POSITION IS THAT INDIVIDUAL VOIR DIRE ON THE
04:49PM 11 RELATIONSHIP QUESTION IS NOT NECESSARY. WE ASKED THAT QUESTION
04:49PM 12 IN THE QUESTIONNAIRE RECEIVED THE JURY'S ANSWER ON IT, THE
04:49PM 13 TOPIC OF THE RELATIONSHIP, THAT IS, CEO, COO RELATIONSHIP WILL
04:49PM 14 COME UP. THE ABUSE WON'T COME UP DURING THE TRIAL.

04:49PM 15 I DON'T THINK INDIVIDUAL VOIR DIRE IS NECESSARY, BUT IT
04:49PM 16 DOESN'T SEEM THAT WE ACTUALLY NEED TO CONFRONT THAT QUESTION
04:49PM 17 NOW.

04:49PM 18 I THINK WE WILL BENEFIT FROM HAVING FURTHER DISCUSSIONS
04:49PM 19 WITH ANOTHER PANEL TOMORROW, AND WE'LL DETERMINE WHETHER AND TO
04:49PM 20 WHAT EXTENT INDIVIDUAL VOIR DIRE BECOMES NECESSARY.

04:50PM 21 THE COURT: THANK YOU.

04:50PM 22 MY THOUGHT WAS TO NOT DISRUPT THE SECOND PANEL COMING IN,
04:50PM 23 AND WHILE WE MAKE THEM WAIT TO DO THE EXAMINATION OF FOUR OR
04:50PM 24 FIVE OTHER PEOPLE, BUT RESERVE THAT. AND I WANT TO RESPECT
04:50PM 25 TRAVEL OF THOSE INDIVIDUALS COMING BACK FOR A LIMITED PERIOD OF

04:50PM 1 TIME. THEY WERE HERE ALL DAY. THEY ARRIVED AT 8:00 O'CLOCK
04:50PM 2 THIS MORNING, AND IT WAS A LONG TIME FOR THEM. IT WAS A SHORT
04:50PM 3 LUNCH BREAK AND A SIGN OF THINGS TO COME. IT WAS A LONG DAY
04:50PM 4 FOR THEM. I CAN RESPECT THAT.

04:50PM 5 I THINK WE CAN GO FORWARD WITH THE SECOND PANEL AND
04:50PM 6 TODAY'S EXPERIENCE INFORMS US, I THINK, AND HOPEFULLY ALL OF
04:50PM 7 US, AS TO WHAT THE PROCESS WILL BE.

04:50PM 8 TOMORROW IS A NEW DAY AS SOMEONE ONCE SAID, AND I DON'T
04:50PM 9 KNOW WHAT THIS PANEL WILL BRING. WE'LL SEE. YOU HAD BENEFIT
04:50PM 10 OF THEIR QUESTIONNAIRES.

04:50PM 11 SO AT THIS TIME I'M GOING TO RESERVE CALLING THOSE OTHERS
04:50PM 12 BACK FOR INDEPENDENT VOIR DIRE NOW, EXAMINATION FOR NOW, AND
04:51PM 13 LET'S WAIT AND SEE WHAT TOMORROW BRINGS AND WE'LL HAVE A BETTER
04:51PM 14 IDEA ON THAT.

04:51PM 15 MY SENSE IS THAT THE THIRD PANEL, THEY WERE SCHEDULED TO
04:51PM 16 COME IN TOMORROW AFTERNOON I THINK?

04:51PM 17 THE CLERK: YES.

04:51PM 18 THE COURT: WE PROBABLY, BASED ON OUR EXPERIENCE
04:51PM 19 TODAY, WE PROBABLY NEED TO MOVE THEM. AND I'M, I'M CURIOUS
04:51PM 20 ABOUT -- I THINK WE HAVE SOME TIME AVAILABLE FRIDAY MORNING.
04:51PM 21 WE WERE DOING SOMETHING ELSE ON THIS CASE, BUT THAT'S GOING TO
04:51PM 22 HAVE TO GET PUSHED BACK, I THINK.

04:52PM 23 (DISCUSSION OFF THE RECORD.)

04:52PM 24 THE COURT: SO I WAS THINKING ABOUT MOVING THE THIRD
04:52PM 25 TRANCHE UNTIL FRIDAY MORNING. WE HAVE THE MOTION SET THEN, BUT

04:52PM 1 JUDGE FREEMAN IS DOING A JURY SELECTION. SHE DOES HER JURY
04:52PM 2 SELECTION ON FRIDAYS ALSO, I BELIEVE.

04:52PM 3 MR. SCHENK, DO YOU HAVE INSIDE INFORMATION?

04:52PM 4 MR. SCHENK: YOUR HONOR, IF THE TRIAL THAT
04:52PM 5 JUDGE FREEMAN HAD FOR FRIDAY IS THE ONE I HAVE IN MIND, IT PLED
04:52PM 6 YESTERDAY.

04:52PM 7 THE COURT: OH.

04:52PM 8 MR. SCHENK: I DON'T KNOW WHETHER SHE DOUBLE SET
04:52PM 9 TRIAL. JUDGE FREEMAN I KNOW HAS A VERY IMPACTED TRIAL
04:52PM 10 SCHEDULE, AS ALL OF THE JUDGES DO, AND SHE MAY HAVE A DIFFERENT
04:52PM 11 CASE.

04:52PM 12 (PAUSE IN PROCEEDINGS.)

04:52PM 13 THE COURT: THERE WE ARE THEN. SHE HAS AN ANOTHER
04:53PM 14 CASE THAT IS SCHEDULED SO THAT'S GOING TO PRECLUDE OUR
04:53PM 15 OPPORTUNITY TO BRING THE PANEL IN FRIDAY.

04:53PM 16 MR. SCHENK: MAYBE WE COULD, IF NECESSARY, DO
04:53PM 17 INDIVIDUAL VOIR DIRE ON FRIDAY INSTEAD OF THE ENTIRE THIRD
04:53PM 18 PANEL. WE WOULD REDUCE THE CROWDING IN THE COURTHOUSE IF THERE
04:53PM 19 WERE A FEW JURORS.

04:53PM 20 THE COURT: THAT'S A GOOD POINT AND THAT COULD BE
04:53PM 21 FROM TODAY AND TOMORROW IF NECESSARY.

04:53PM 22 MR. COOPERSMITH: THAT SOUNDS SENSIBLE, YOUR HONOR.
04:53PM 23 OF COURSE THERE'S ANOTHER SOLUTION TO THE ISSUE OF INDIVIDUAL
04:53PM 24 VOIR DIRES. OUR ORIGINAL MOTION THE LAST COUPLE OF DAYS FROM
04:53PM 25 TODAY WAS TO SIMPLY EXCUSE JURORS WHO WERE AWARE OF THE ABUSE

04:53PM 1 ISSUE.

04:53PM 2 THAT WOULD AT LEAST SOLVE THE PEOPLE WHO PUT THAT ON THE
04:53PM 3 QUESTIONNAIRE.

04:53PM 4 THERE ARE SOME OTHERS THOUGH WHO SAY THEY WERE AWARE OF A
04:53PM 5 RELATIONSHIP, AND WE MIGHT HAVE TO FLESH OUT WHAT THAT MEANS.

04:53PM 6 BUT WE MIGHT BE ABLE TO GET -- I DON'T KNOW WHETHER THE
04:53PM 7 GOVERNMENT WILL AGREE OR NOT, BUT THEY ARE AWARE. WE DON'T
04:53PM 8 THINK THAT WOULD BE APPROPRIATE. SO IT'S ANOTHER WAY TO CUT
04:55PM 9 DOWN ON THE NUMBERS.

04:55PM 10 THE COURT: GIVE ME JUST A SECOND. LET'S TAKE A
04:55PM 11 BRIEF RECESS.

04:55PM 12 (RECESS FROM 4:55 P.M. UNTIL 4:58 P.M.)

04:58PM 13 THE COURT: LET'S GO BACK ON THE RECORD OUTSIDE OF
04:58PM 14 THE PRESENCE OF THE PROSPECTIVE PANEL.

04:59PM 15 ALL COUNSEL ARE PRESENT, AND MR. BALWANI IS PRESENT.

04:59PM 16 IT SOUNDS LIKE OUR JURY COMMISSIONER HAS INFORMED THE
04:59PM 17 THIRD PANEL TO REPORT MONDAY --

04:59PM 18 THE CLERK: NO, YOUR HONOR, TO CALL MONDAY FOR
04:59PM 19 TUESDAY.

04:59PM 20 THE COURT: TO CALL MONDAY FOR TUESDAY.

04:59PM 21 OF COURSE, WE CAN CALL THEM WITH NEW INSTRUCTIONS AS WELL
04:59PM 22 AND TOTALLY CONFUSE THEM, BUT -- SO WE HAVE A PANEL COMING IN
04:59PM 23 TOMORROW AT 9:30.

04:59PM 24 LET'S SEE HOW FAR WE GET WITH THEM AND SEE WHAT WE DO ON
04:59PM 25 FRIDAY, AND THAT WILL DICTATE, AND WE'LL HAVE MORE INFORMATION.

04:59PM 1 MR. COOPERSMITH: OKAY. THANK YOU, YOUR HONOR.

04:59PM 2 THE COURT: AND YOU CAN MEET AND CONFER ON

04:59PM 3 EVERYTHING YOU NEED TO DO.

04:59PM 4 MR. COOPERSMITH: ALWAYS HAPPY TO, YOUR HONOR.

04:59PM 5 THE COURT: OKAY. THANK YOU.

04:59PM 6 MR. COOPERSMITH: THANK YOU. HAVE A GOOD EVENING.

04:59PM 7 MR. SCHENK: YOU TOO.

05:00PM 8 (COURT ADJOURNED AT 5:00 P.M.)

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CERTIFICATE OF REPORTER

I, THE UNDERSIGNED OFFICIAL COURT REPORTER OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA, 280 SOUTH FIRST STREET, SAN JOSE, CALIFORNIA, DO HEREBY CERTIFY:

THAT THE FOREGOING TRANSCRIPT, CERTIFICATE INCLUSIVE, IS A CORRECT TRANSCRIPT FROM THE RECORD OF PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

A handwritten signature in black ink that reads "Irene Rodriguez". The signature is written in a cursive, flowing style with a large, decorative flourish at the end of the last name.

IRENE RODRIGUEZ, CSR, RMR, CRR
CERTIFICATE NUMBER 8074

DATED: MARCH 9, 2022